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Deny the SPPE for the RB Inyokern Data Center – Require Full Environmental Review (Docket 26-SPPE-01)

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Re: RB Inyokern Data Center – Docket No. 26-SPPE-01
Subject: Request for Denial of Small Power Plant Exemption

Dear Commissioners,

I am a resident of the Indian Wells Valley, and I am writing to request that the California Energy Commission (CEC) deny the Small Power Plant Exemption (SPPE) applied for by the RB Inyokern Data Center. Instead, I urge the Commission to require a full Application for Certification (AFC), including a complete environmental review equivalent to what is required under the California Environmental Quality Act (CEQA).

I share the serious concerns raised by many in our community: that this project does not qualify for the SPPE exemption because it exceeds the 99 MW threshold when its full planned capacity is considered, and that it will have significant adverse environmental impacts on our groundwater, air quality, wildlife, and quality of life. Each of these concerns, on its own, is sufficient to require the full certification review process.

THIS PROJECT EXCEEDS THE SPPE LIMIT – THE FULL 198 MW PROJECT MUST BE REVIEWED

The applicant appears to have split a planned 198 MW facility into a 99 MW 'Phase 1' to avoid the 100 MW threshold that requires full CEC review. This kind of project splitting – called 'piecemealing' – is prohibited under California law.

The application describes a 99 MW project, just under the 100 MW limit, that would require full certification review. However, the developer's own public materials describe

a two-phase campus totaling approximately 198 MW â€” double what was submitted to the CEC. The parcels designated for Phase 2 are already identified in those materials, and the developer has stated it expects electrical service for the second phase by 2031.

California law requires that an environmental review cover the whole foreseeable project, not just the portion that avoids a regulatory threshold. The two phases are clearly one connected project, and the CEC should evaluate them together.

Additionally, the project proposes approximately 40 diesel backup generators with a combined nameplate capacity of roughly 120 MW â€” already exceeding the 99 MW threshold â€” raising further questions about whether the project truly qualifies for the SPPE process at all.

THE WATER SUPPLY ASSESSMENT IS DEEPLY FLAWED

The applicant's water study references the wrong groundwater basin â€” one located on the other side of the Sierra Nevada mountains â€” and ignores the ongoing court case that will determine how much water the Indian Wells Valley basin can legally supply.

California law (Senate Bill 610) requires large developments to demonstrate they have a reliable 20-year water supply before receiving approval. The water study submitted for this project fails that test in several important ways:

- â€¢ It references the 'Kern Subbasin' â€” an entirely separate aquifer in the Central Valley, on the other side of the mountains â€” rather than the Indian Wells Valley Groundwater Basin, where this project would actually be located.

- â€¢ Our basin is already in 'critical overdraft,' meaning we are pumping far more water than nature can replenish. Current pumping is estimated at nearly three times the sustainable yield.

- â€¢ A court case that will legally determine how much water can be extracted from our basin was set to begin on June 1, 2026. Approving a major new industrial water user before that court decides the basin's legal water limits is premature and legally risky for all existing water users.

- â€¢ The Indian Wells Valley Water District has also filed a legal challenge to the current water management plan, creating additional uncertainty about future water availability.

THE WATER PROVIDER NAMED IN THE APPLICATION CANNOT RELIABLY SERVE THIS PROJECT

The Inyokern Community Services District, which issued the project's 'will-serve' letter, has been found financially insolvent by the Kern County Grand Jury and is under state oversight for consolidation.

The project relies on a 'will-serve' letter from the Inyokern Community Services District (ICSD), which is intended to guarantee the district's ability to supply water to the project. However, the 2023â€”2024 Kern County Grand Jury found ICSD to be financially

insolvent and unable to address critical operational problems. The district has reportedly failed to provide basic water production records to the regional groundwater authority since 2018. The State Water Board has formally requested that ICSD enter consolidation negotiations with another district, and it remains under active state oversight.

A financially troubled, potentially dissolving water district is not a credible long-term water supplier for a major industrial facility that expects to operate for decades. The CEC should require a full independent review of ICSD's actual capacity and long-term viability before accepting its will-serve letter.

WATER USE ESTIMATES ARE FAR TOO LOW FOR OUR DESERT CLIMATE

Data centers that use evaporative cooling – even hybrid systems like the kind we're told would be used here – consume significant amounts of water. In desert climates like ours, consumption is among the highest in the world, and the application's estimates do not reflect this reality.

The project's water-use projections do not adequately account for the extreme heat, low humidity, and high evaporation rates in the Indian Wells Valley. Independent research on data centers in comparable desert climates – such as Arizona – shows water use rates many times higher than at facilities in cooler or more humid locations, even when the most efficient technology is used. Peak water demand from this facility would occur during the same hot summer months when local residents, farms, and businesses already depend most heavily on groundwater – the period when our basin is under the most stress.

The CEC should require an independent, third-party water use estimate based on actual local climate data and worst-case summer conditions.

ADDING MAJOR INDUSTRIAL WATER USE TO AN OVERDRAFTED BASIN IS UNSUSTAINABLE

Our basin is already pumping nearly three times what can be sustainably replenished. Adding a massive new industrial water user risks making the overdraft worse and ultimately forcing expensive imported water solutions onto local ratepayers.

The Indian Wells Valley Groundwater Basin is formally designated as being in 'critical overdraft' under the state's Sustainable Groundwater Management Act (SGMA). Existing users – residents, farms, and businesses – have already been required to significantly reduce their water use to help bring the basin back into balance. Adding a large new industrial water user at this moment risks undermining those conservation efforts, worsening the overdraft, and accelerating pressure to import water from outside the valley – a costly solution that would be paid for by local ratepayers.

THE INYOKERN AREA IS ALREADY THE MOST IMPACTED PART OF THE BASIN

The area where this project would draw water is already experiencing the worst groundwater declines and quality problems in the basin. Concentrated industrial pumping here could cause nearby wells to fail.

The Inyokern area is experiencing some of the worst groundwater-level declines and water-quality problems in the entire basin. Adding concentrated industrial pumping of this scale in this specific area could create a localized 'cone of depression' – essentially a zone where the groundwater table drops sharply – that could cause nearby private and agricultural wells to fail, increase pumping costs for existing users, and worsen water quality by drawing in more sediment and dissolved minerals.

THE PROJECT WILL PRODUCE CONTAMINATED WASTEWATER LOCAL INFRASTRUCTURE MAY NOT HANDLE

Evaporative cooling systems produce concentrated wastewater containing arsenic, heavy metals, and potentially PFAS chemicals. It is unclear whether ICSD can safely treat this waste.

Data center cooling systems produce large volumes of concentrated wastewater – called 'blowdown' – that can contain elevated levels of arsenic (which occurs naturally in local water sources), heavy metals like zinc and copper, and industrial chemicals, including potential PFAS compounds. PFAS are sometimes called 'forever chemicals' because they do not break down in the environment, and certain types have no safe exposure level. ICSD, which is already facing financial and operational challenges, may not have the infrastructure or capacity to safely treat this type of industrial wastewater. No adequate analysis of this risk has been provided.

THE PROJECT IS INCOMPATIBLE WITH SURROUNDING ZONING AND LAND USES

The project is located immediately adjacent to residential and commercial properties. County zoning standards require that industrial operations not produce impacts – noise, fumes, vibration – that extend beyond the property lines. That standard cannot realistically be met here.

While part of the project site is zoned for medium industrial use, it is immediately adjacent to neighborhood commercial and residential properties. Inyokern School is located fewer than 1,400 feet from the project. Kern County's own zoning standards require that industrial operations not produce fumes, dust, noise, or vibration that extend beyond the property boundaries. Given the scale of the proposed generators, cooling systems, and around-the-clock industrial operations, this standard simply cannot be met at this location.

Furthermore, the proposed Phase 2 expansion would be located on land zoned 'Estate' and is surrounded entirely by residential parcels, making it inherently incompatible with

the surrounding land use, regardless of any mitigation measures.

NOISE AND VIBRATION IMPACTS ON HOMES AND SCHOOLS

Forty large diesel generators and extensive cooling equipment operating near homes and a school will create chronic noise impacts that the application has not adequately analyzed, particularly given the desert environment's unique acoustic characteristics.

The proposed facility includes approximately 40 diesel generators (each 3 MW) plus large industrial cooling systems. Even if the generators are used primarily as backup, they will require regular testing and maintenance, and could operate for extended periods during grid outages or emergencies. The desert environment, with its temperature inversions and lack of natural sound barriers, can dramatically amplify low-frequency industrial noise, transmitting it over long distances. No cumulative noise analysis or nighttime noise study has been provided. The CEC should require comprehensive, independent acoustic modeling before proceeding.

AIR QUALITY IMPACTS – DIESEL EMISSIONS AND CONSTRUCTION DUST

Forty diesel generators, heavy construction activity in high-wind desert conditions, and ongoing operational emissions raise real concerns about our air quality – and could jeopardize the valley's PM10 attainment status.

The project proposes approximately 40 diesel generators. Even during testing and maintenance, these generators will release nitrogen oxides, fine particulate matter (PM2.5 and PM10), and diesel exhaust. Construction-related dust during high-wind events in the desert could be especially difficult to control. The Indian Wells Valley is currently in 'attainment' for PM10 – meaning our air meets federal standards. Concentrated diesel and dust emissions from a project of this scale could jeopardize that status and trigger broader regulatory consequences for the region.

GREENHOUSE GAS EMISSIONS AND CLIMATE RESILIENCE

Large AI-oriented data centers are among the most energy-intensive facilities being built today. This project's greenhouse gas emissions and their interaction with a warming, drying climate have not been adequately analyzed.

Large AI-scale data centers consume enormous amounts of electricity and produce significant greenhouse gas emissions from diesel generators, construction, and ongoing operations. California law requires a thorough analysis of any project's contribution to climate change. This application does not provide one. Additionally, as our region gets hotter and drier over the coming decades, the project's water and power demands will likely increase, worsening its environmental impact over time. These long-term dynamics must be analyzed.

WASTE HEAT AND HEAT ISLAND EFFECTS

Data centers discharge substantial waste heat into the surrounding environment. In a community already facing dangerous summer temperatures, additional localized warming from this facility poses real public health risks.

Data centers generate enormous amounts of waste heat from servers, power systems, and cooling equipment, which is then discharged into the surrounding environment through cooling towers. Research has shown that large data centers can measurably increase local temperatures – particularly at night, when the desert already fails to cool as much as in healthier environments. In the Indian Wells Valley, where summer temperatures already reach dangerous levels, additional localized heating from a facility of this scale could worsen heat-related health risks for nearby residents and increase cooling energy use in surrounding homes and businesses. No thermal or heat island analysis has been provided.

LIGHT POLLUTION AND DARK SKIES

The Indian Wells Valley's dark skies are a community resource, an economic asset, and a part of our quality of life. Continuous 24/7 industrial lighting from a large data center campus would permanently degrade those conditions.

The Indian Wells Valley is known for its exceptionally dark night skies, which contribute to local quality of life, outdoor recreation, scientific research, and rural character. A large data center operating 24 hours a day, 365 days a year, with extensive security and facility lighting would permanently degrade dark-sky conditions throughout the surrounding area. This impact deserves serious analysis – not dismissal – and the CEC should require a full photometric study of light spillage and sky glow.

ELECTRICAL GRID RELIABILITY AND RATEPAYER COST IMPACTS

Large data centers are straining utility infrastructure across the country, driving up electricity costs for residential customers. The electrical service details for this project have been kept confidential, preventing meaningful public review.

AI-scale data centers are among the most energy-intensive facilities being built in the United States. Across the country, utilities have sought billions of dollars in rate increases in 2025 alone, driven largely by the infrastructure upgrades needed to meet data center demand. Residential electricity prices rose over 11% in 2025 and are projected to increase by up to 40% by 2030.

In this case, the electrical service documentation from Southern California Edison has been designated confidential and cannot be reviewed by the public. This prevents community members from understanding the project's actual grid impacts, required infrastructure upgrades, or potential cost shifts onto local ratepayers. The Indian Wells Valley already experiences grid reliability challenges during extreme heat events. Adding a massive new industrial load could worsen that risk.

TRAFFIC AND ROAD SAFETY

Construction and operational traffic for a facility of this scale would significantly impact Inyokern's small road network and raise pedestrian safety concerns near the school.

Building and operating a data center of this scale requires years of heavy truck traffic, oversized equipment transport, and ongoing delivery and maintenance vehicle activity. Inyokern's road network is limited and already under strain. The project's primary access routes run through the center of the community, including near Inyokern School, where children, cyclists, and pedestrians travel daily. A full traffic and road safety study " covering both construction and long-term operations " must be completed before this project can be approved.

SEISMIC RISK

The Indian Wells Valley experienced a major M7.1 earthquake in 2019. A large industrial facility with diesel fuel systems, cooling infrastructure, and hazardous materials requires a thorough seismic hazard analysis.

Many valley residents vividly remember the M7.1 Ridgecrest earthquake in 2019 and its extensive aftershocks. A large data center with 40 diesel generators, fuel storage tanks, cooling systems, industrial chemicals, and electrical substations represents a significant potential source of secondary hazards " spills, fires, utility failures " during a major seismic event. No adequate seismic hazard analysis has been provided. Given the proximity of this facility to homes, a school, and a major military installation, the Commission should require one.

HAZARDOUS MATERIALS, FIRE SAFETY, AND EMERGENCY RESPONSE

Large data centers involve substantial quantities of diesel fuel, batteries, cooling chemicals, and other hazardous materials. Local emergency response resources are limited. A major fire or chemical incident near homes and a school would be catastrophic.

Large data centers use significant quantities of diesel fuel for backup generators, large battery storage systems, industrial cooling chemicals, transformer oils, refrigerants, and other potentially hazardous materials. Our community has limited local emergency response resources, constrained water for firefighting, and rural infrastructure. A major industrial fire or hazardous materials incident near residential neighborhoods and Inyokern School " only a few hundred feet away " could overwhelm local emergency response capacity with potentially catastrophic consequences. The application does not adequately address these risks.

NATIONAL SECURITY AND PROXIMITY TO CHINA LAKE

The project's proximity to Naval Air Weapons Station China Lake, combined with questions about ownership transparency and supply chain security, raises national security concerns that deserve formal federal review.

Naval Air Weapons Station China Lake is one of the most strategically important military research and testing facilities in the United States. This proposed data center would be located in close proximity to that installation. Federal agencies “ including CISA, the FBI, and the NSA “ have issued formal warnings about foreign state-sponsored cyber threats targeting critical infrastructure near military installations. Modern data center equipment is often sourced through global supply chains with connections to foreign adversaries.

The Commission should require full transparency regarding the project's ownership, sources of financing, and equipment supply chains, and should formally consult with the Department of Defense and relevant federal security agencies before any approval is considered.

IMPACTS ON NEARBY HOMES, THE SCHOOL, AND LOCAL BUSINESSES

With homes approximately 370 feet from the project and Inyokern School fewer than 1,400 feet away, the combined impacts of noise, emissions, lighting, traffic, and industrial activity on these sensitive locations independently justify denial.

The cumulative impact of everything described in this letter “ industrial noise, diesel emissions, bright lighting, heavy traffic, vibration, and the visual impact of a large industrial campus “ on homes just 370 feet away and a school fewer than 1,400 feet away is, on its own, sufficient to justify denial of the exemption and require full environmental review. The residents of Inyokern chose to live in a quiet, rural desert community. This project would fundamentally change the character of that community. The children who attend Inyokern School deserve the same protections from industrial impacts as children elsewhere.

ENVIRONMENTAL JUSTICE

More than 80% of local students are socioeconomically disadvantaged. The cumulative impacts of this project “ on water costs, air quality, noise, and health “ could fall most heavily on those least able to absorb them.

According to publicly available data from the California School Dashboard, approximately 80% of local students are classified as socioeconomically disadvantaged. Our community already faces documented health disparities, including elevated rates of asthma, cardiovascular disease, and other conditions. Lower-income residents are less able to respond to rising water costs, declining air quality, industrial noise, or the need to drill deeper wells. California law requires environmental agencies to consider whether environmental burdens fall disproportionately on disadvantaged communities. The CEC must conduct a full environmental justice analysis before considering any approval.

CUMULATIVE IMPACTS AND GROWTH-INDUCING EFFECTS

Our valley already faces multiple overlapping environmental stressors. The developer claims the project will support 500 additional jobs â€” acknowledging growth-inducing potential that must be analyzed under CEQA.

The Indian Wells Valley is already managing chronic groundwater overdraft, infrastructure limitations, extreme heat, and regional air quality concerns. The project does not exist in a vacuum â€” its effects compound these existing stressors. The developer's own website has claimed the project will support approximately 500 additional jobs beyond those it directly employs, suggesting it could spur further growth, additional industrial development, and infrastructure demands incompatible with the valley's resources and rural character. Climate change will magnify all of these impacts over the project's operational lifetime. CEQA requires that these cumulative effects be analyzed comprehensively.

NO ALTERNATIVES ANALYSIS HAS BEEN PROVIDED

California law requires that a meaningful analysis of feasible project alternatives be completed before any approval. The applicant has provided none.

CEQA requires that any project with potentially significant environmental impacts analyze a range of feasible alternatives that could achieve the project's goals while reducing those impacts. The applicant has provided no such analysis. Given the unique sensitivity of the Indian Wells Valley â€” critically overdrafted groundwater, proximity to a strategic military installation, extreme climate conditions, rural infrastructure limitations, and proximity to homes and a school â€” the Commission must require analysis of alternatives, including:

- â€¢ A smaller facility that would stay below significant impact thresholds;
- â€¢ Water-neutral operational alternatives that do not withdraw local groundwater;
- â€¢ Alternative sites outside critically overdrafted basins and away from NAWS China Lake;
- â€¢ Alternative power configurations that reduce dependence on diesel generators;
- â€¢ Distributed or less resource-intensive development models.

Without a real alternatives analysis, neither the public nor the Commission can judge whether there are better, less damaging ways to achieve the project's goals.

IMPACTS ON WILDLIFE, ENDANGERED SPECIES, AND POLLINATORS

The application identifies 11 special-status wildlife species on or near the site, but fails to complete required surveys, uses outdated species classifications, and ignores all operational-phase impacts on wildlife, domestic animals, and commercially managed bees.

The applicant's Biological Analysis Report identifies 11 special-status wildlife species and 3 special-status plant species as potentially present on the project site, yet concludes “without adequate justification” that impacts can all be reduced to less-than-significant levels. Critical problems include:

• Protocol-level surveys required for special-status species were never completed. Surveys were conducted in August and November “outside optimal detection windows for several key species.

• The Mojave desert tortoise was uplifted from 'Threatened' to 'Endangered' under California law in July 2025, months before the report was finalized in December 2025. The report still incorrectly classifies it as Threatened, which requires significantly less stringent protections. This legal error is fundamental.

• The Mohave ground squirrel “also Threatened under California law” is the subject of a newly initiated state recovery plan. The State formally initiated recovery planning for this species in May 2026. Destroying habitat at the moment the State has begun formal recovery efforts directly contradicts the State's conservation mandate.

• There is no analysis of how 24/7 industrial lighting, generator noise, waste heat, or permanent habitat loss will affect wildlife throughout the project's operational life “only construction impacts are considered.

• No assessment has been provided of electromagnetic field (EMF) impacts on domestic animals and commercially managed honeybee colonies on nearby rural properties.

MY REQUESTS TO THE CALIFORNIA ENERGY COMMISSION

For all of the reasons described above, I respectfully request that the California Energy Commission:

1. Deny the Small Power Plant Exemption and require a full Application for Certification (AFC), including a complete environmental review, because the project does not qualify for the exemption, exceeds 99 MW when its full planned capacity is considered, and will have significant adverse environmental impacts on our community;
2. Pause all approval proceedings until the ongoing court case determining the legal water rights in the Indian Wells Valley Groundwater Basin is fully resolved, so that any water supply determination is based on legally established water allocations “not speculation;
3. Require review of the full 198 MW project, including both Phase 1 and Phase 2, as required by California's prohibition on piecemealing and project segmentation;
4. Require a comprehensive, independent Water Supply Assessment that correctly identifies the Indian Wells Valley Groundwater Basin, accounts for extreme desert climate conditions, and is completed after the court adjudication establishes final water allocations;

5. Require an independent review of ICSD's long-term infrastructure capacity, financial stability, and water allocation reliability before accepting its will-serve letter as a basis for any approval;

6. Require comprehensive independent analyses of all the areas of concern raised in this letter, including: groundwater and water quality impacts; air quality; noise and vibration; waste heat; fire safety and hazardous materials; grid reliability and ratepayer costs; traffic safety; seismic resilience; light pollution; national security; wildlife and endangered species; environmental justice; and cumulative and growth-inducing impacts; and

7. Require a full CEQA-compliant alternatives analysis evaluating feasible project alternatives before any approval is considered.

Thank you for carefully considering these concerns. I am a community member who lives in and cares deeply about the Indian Wells Valley. The residents of this valley have a real and long-standing stake in the responsible stewardship of our shared groundwater and in protecting our community from industrial impacts that have not been adequately studied or disclosed. The legal and factual record before the Commission does not support the granting of a Small Power Plant Exemption for this project.

Respectfully submitted,

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