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BESS Named in Groundwater Contamination Lawsuit -part1

Please include the attached as part of the public record. Part 1 of 2.

Additional submitted attachment is included below.



July 6, 2026

California Energy Commission (CEC)
1516 Ninth Street
Sacramento, CA 95814

Subject: BESS OWNER / OPERATOR NAMED IN LITIGATION FOR GROUNDWATER CONTAMINATION

To the Members of the California Energy Commission,

Please accept this as public comment regarding the proposed Vaca Dixon Power Center Battery Energy Storage System (BESS) Project (Docket No. 26-OPT-01).

Crucial new information has come to light that directly impacts the evaluation of this project's safety and location. Specifically, a major new lawsuit has been filed against NextEra Energy, an owner and operator of the East Hampton BESS. A full copy of this legal complaint is attached for immediate review and to include in the project record.

The attached lawsuit stems from a thermal runaway fire at NextEra's East Hampton BESS facility. During that incident, system failures resulted in the release of highly mobile, toxic chemicals. The chemicals were specifically; ultrashort-chain PFAS, which bypassed containment, contaminated the groundwater, and forced the water authority to take nearby public drinking water wells completely out of service. This lawsuit comes two years after the thermal runaway incident at the East Hampton BESS and resulted in millions of dollar's worth of damage.

Because the Vaca Dixon Power Center has a risk of thermal runaway fires that could result in similar contamination, it is important for the CEC to take into consideration the following points when evaluating this project at the proposed location:

Proposed Project Location Has High Risk of Groundwater Contamination

At the location of the proposed Vaca Dixon Power Center BESS, the groundwater table is only 15 feet down. This shallow depth leaves little physical soil buffer to block contaminants from soaking straight into the underlying aquifer. The lawsuit demonstrates that when a BESS facility experiences a fire, the resulting contaminants (specifically ultrashort-chain PFAS like PFPrA) are highly mobile, do not stick to the soil, and easily travel long distances through groundwater. With water tables at just 15 feet, any hazardous runoff could infiltrate into the nearby creek, seasonal wetlands, residential and city wells used for drinking and nearby farming water supply.

Methods Of Contamination

Even though the proposed project is designed without a built-in water suppression system, like the East Hampton Facility had, the risk of generating millions of gallons of toxic, PFAS-laced firefighting runoff remains a very real threat to our local environment.

If a fire breaks out, the Dixon Fire Department may be forced to use massive amounts of water to cool surrounding battery packs to prevent propagation, or to protect exposures - especially during a very windy day. Especially if southeast winds push toxic smoke toward the nearby freeway, threatening public safety and disrupting major commerce corridors. The water mixed with smoke plume could create toxic water runoff.

Even in a completely dry scenario, a lithium-ion battery fire still poses a severe environmental threat by producing massive toxic gas and smoke plumes. Airborne ash and particulate matter containing PFAS and heavy metals will settle onto the surrounding agricultural land. Subsequent rain events will inevitably wash these highly persistent chemicals straight into our open irrigation canals and shallow 15-foot water table.

Additionally, the battery pack may explode and leak contaminants into the soil when a thermal runaway event happens. The Vaca Dixon Power Center is designed with a permeable rock surface in between the battery modules which does not stop contaminants from absorbing into the soil.

Unnecessary Costs Associated for this location

Because "forever chemicals" like PFAS take time to migrate through the ground, the toxic effects may not show up in water tests immediately. Based on the information in the lawsuit- BESS these compounds can take roughly three years to finally manifest in environmental testing.

Because contamination risks are delayed and hidden, the Solano Irrigation District (SID) will be forced to shoulder significant, long-term financial costs for specialized, ongoing water testing for years after an incident just to protect regional agriculture.

The same ongoing screening would need to take place for the City of Vacaville, which has groundwater wells for its municipal water, with the closest well 1.5 miles from the project site.

For residents with affected wells, the water testing after a thermal runaway fire is an unnecessary financial burden and worry associated with this location, which is surrounded by residential homes and agriculture operations.

Location is a Direct Threat to Wildlife, Agricultural and Residential Water

The lawsuit establishes that contaminants originating from a BESS fire can easily flow into nearby waterways and groundwater wells. Siting the Vaca Dixon Power Center Project near a creek known to flow directly into the Sacramento-San Joaquin Delta, an important wildlife habitat, risks an environmental disaster if a thermal runaway event occurs.

Nearby seasonal wetlands, and a pond that could house threatened species further adds unnecessary risk to wildlife.

Locating the Vaca Dixon Power Center BESS Project near active irrigation canals risks introducing toxic, persistent chemicals into the primary water supply used for local crops.

Much like the public drinking wells that had to be taken completely out of service in the East Hampton incident, placing this facility near residential and city wells, exposes families to severe chemical hazards. The lawsuit explicitly notes that conventional carbon treatment systems are entirely

incapable of filtering or removing these specific ultrashort-chain battery PFAS from drinking water. If contamination occurs it could be irreversible and affect residents health, livelihood and quality of life.

Infringement on the Public Right to Clean Water

The lawsuit emphasizes that water is a commonly held public resource, and residents have a fundamental right to have their water remain clean, potable, and free of toxic, manmade compounds. The EPA has calculated severe chronic toxicity values for battery-related contaminants like PFPrA, noting high toxicity to freshwater ecosystems and potential damage to human liver functions. Siting the Vaca Dixon Power Center BESS Project near vulnerable water sources acts in conscious disregard of public health.

Safer Alternatives.

The lawsuit charges that NextEra, knowingly risked contamination of the nearby wells by locating their project coupled with unsafe technology.

The City of Vacaville's BESS ordinance would prohibit this project due to the risks of thermal runaway fires and the contamination risks that could threaten our city's groundwater wells for it's municipal water. The City allows safer non-flammable types of BESS to be built in the city limits, however this applicant wishes to skirt around our local regulations by utilizing the Opt-in program.

Please don't let this project risk similar contamination in Vacaville, putting our community at risk when there are viable alternative locations. Solano County's BESS Ordinance has already identified appropriate alternative locations specifically designated for lithium-ion battery energy storage, which are well away from active farming operations, residents, and water systems.

Conclusion

The facts outlined in the attached lawsuit make one point unmistakably clear: poor judgment in siting decisions that directly resulted in groundwater contamination and the loss of public drinking water supplies. These are not hypothetical risks, they are documented failures with real-world consequences for another community.

Given the shallow groundwater, proximity to residential and city wells, agricultural reliance on clean irrigation water, and the direct connection to the Sacramento San Joaquin Delta, approving this project at the proposed location would knowingly expose Vacaville and Solano County to the same catastrophic vulnerabilities. The CEC's mandate is to safeguard Californians and certify responsible projects, not to repeat preventable mistakes or allow high risk industrial siting where safer, designated alternatives already exist.

For these reasons, we urge the Commission to exercise its authority and deny approval of the Vaca Dixon Power Center BESS at this location. Require Middle River Power to relocate the project to one of the appropriate, lower-risk zones already identified in Solano County's BESS Ordinance, These areas were intentionally planned to protect residents, farmland, and irreplaceable water resources.

Respectfully submitted,

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Keep Vacaville Safe

Enclosure: Copy of Legal Complaint against NextEra Energy