

DOCKETED

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BEFORE THE CALIFORNIA ENERGY COMMISSION

Docket No. 24-OPT-05

Project: Corby Battery Energy Storage System Project

Subject: Formal Community Response and Public Comment on the Staff Assessment

I. Introduction: Rejecting the Premise of "Acceptable Devaluation"

This formal comment is submitted on behalf of the residents, agricultural operators, and community stakeholders of Vacaville and Solano County. While the California Energy Commission (CEC) Staff Assessment meticulously ticks the boxes of administrative compliance, it fundamentally mischaracterizes the profound structural, economic, and safety threats this project poses to our region.

We strongly reject the core premise of the Staff Assessment: that the only "true negative" of the Corby Battery Energy Storage System (BESS) is a localized aesthetic disruption. Reducing the permanent industrialization of prime agricultural land, the systematic bypassing of local democracy, and the imposition of severe logistical constraints on first responders to a mere matter of "scenic quality" is a profound error in judgment.

The community refuses to accept the systematic devaluation of our safety and heritage. Below, we outline the severe technical flaws, infrastructure deficits, and regulatory contradictions, the structural kinks in the armor of this assessment, that demand the denial of a Certificate and the rejection of a Statement of Overriding Considerations.

II. Biological Resources: Ecosystem Displacement and the "Baksheesh" of Environmental Bribery

The Staff Assessment acknowledges that the construction and operation of this massive industrial footprint will result in the permanent loss of foraging habitat for the Swainson's hawk, a protected species designated as Threatened under the California Endangered Species Act. Furthermore, the report details imminent risks and habitat disruptions to a cascade of other special-status and fully protected species, including the burrowing owl, Crotch's bumble bee, the white-tailed kite, and the golden eagle. The proposed regulatory remedy for this sweeping ecological displacement is to simply require the developer to provide "compensatory financial mitigation".

- **The Speeding Ticket Analogy:** This framework must be called out for what it truly is: the modern corporate equivalent of paying *baksheesh*—an outright environmental bribe. The applicant is effectively approaching the state's regulatory framework like a driver who has been pulled over for multiple flagrant violations: speeding, reckless driving, and operating an unsafe vehicle, who looks at the officer and asks, *"Say, I know I broke all these laws, but can't we just take care of it right here? Here's a little something to cover the cost."* In this scenario, the "little something" is a single mitigation check offered to buy immediate clearance to displace an entire community of protected wildlife.
- **The Reality:** Cutting a check does not bring back the foraging grounds, nor does it feed the raptors or protect the pollinators displaced by concrete and steel. It treats the permanent eradication of a localized ecosystem as a mere transactional cost of doing business. Allowing a corporation to exchange cash for the right to permanently degrade a critical local environment sets a predatory precedent, signaling that California's environmental protections are entirely optional for anyone with deep enough pockets.

III. Land Use and Agriculture: Bypassing Local Democracy

The project site sits within an A-40 Agricultural Zone, explicitly violating Solano County Ordinance No. ZT-25-02, which prohibits front-of-the-meter BESS facilities on these protected lands. To circumvent this local protection, the applicant is relying on the state's AB 205 Opt-In mechanism (a statutory override that was quietly slipped into a massive, multi-hundred-page omnibus budget trailer bill to evade targeted public and legislative scrutiny), all to legally erase county land-use authority.

While the developer intends to purchase an agricultural easement elsewhere to satisfy the county's broader mitigation program, this does absolutely nothing to change the fact that this specific parcel of prime, historically active topsoil is being industrialized. If a project explicitly breaks local laws, allowing a corporation to use state-level fiat to override a community's zoning laws fundamentally undermines local democracy and accelerates permanent land degradation.

IV. The Fire-Water Infrastructure Deficit: A 20-Minute Safety Margin vs. Real-World Realities

The Staff Assessment acknowledges that the project site completely lacks a municipal water main connection, rendering the facility entirely dependent on static, on-site storage for emergency operations. The engineering math relied upon in the report exposes a dangerous physical vulnerability when contrasted against actual BESS fire histories in California:

- **The Flow vs. Storage Mismatch:** The developer has proposed a 24,000-gallon on-site storage tank. However, the Dixon Fire Department (DFD) explicitly stated that a critical life-safety rescue or protective cooling operation requires a continuous fire flow of **1,200 gallons per minute (gpm)**.
- **The 20-Minute Depletion Math:** Simple arithmetic exposes the structural deficit:

$$\frac{24,000 \text{ gallons}}{1,200 \text{ gallons/minute}} = 20 \text{ minutes}$$

- **The Gateway Contradiction:** The gross inadequacy of this volume is laid bare by recent history. The community notes a critical discrepancy in how BESS fire risks are evaluated across the state: look no further than the catastrophic 2024 Gateway BESS fire in Otay Mesa, San Diego County, which required firefighters to pump **8 million gallons of water** over a multi-day period to protect surrounding BESS containers and manage the thermal runaway. The Corby project's entire proposed on-site water supply represents a microscopic **0.3%** of the volume consumed during that single crisis.
- **Deficient Under Standard Scenarios:** Standard fire service planning metrics indicate that even an isolated, single-container outdoor BESS thermal event requires a baseline of **60,000 to 120,000 gallons** of continuous cooling water. The applicant's proposed 24,000-gallon supply does not even reach 50% of the water needed to safely mitigate a best-case, single-unit failure.

Relying on mutual aid agreements to continuously truck millions of gallons of water over narrow, rural roads via the DFD's single available water tender is **a logistical fantasy**. The site inherently lacks the baseline hydrological infrastructure required to safely host a 1,200 MWh utility-scale facility.

V. The 15-Minute Operational Blind Spot

Because the Corby BESS will operate as an uncrewed facility managed by an off-site control room, local first responders are placed at a severe tactical disadvantage during an anomaly.

- **The Response Delay:** The report states that under normal conditions, a qualified project technical representative could take **up to one hour** to arrive at the site with necessary diagnostic telemetry.
- **The Danger:** While Condition of Certification WORKER SAFETY-7 attempts to mandate a 15-minute arrival time during an emergency, a 15-minute delay during a fast-cascading thermal event means the Dixon Fire Department will arrive completely blind. They will be forced to stage outside an active chemical perimeter without real-time cell-level data, unable to read internal gas accumulations or voltage spikes. This structural blind spot places the lives of our firefighters at an unacceptable risk.

VI. Infrastructure Severance: The 8-to-10-Week Kilkenny Road Lockout

Under the analysis for Underground Transmission Line Route Option #2, the report indicates that horizontal directional drilling (HDD) and splice vault installation will require a **full road closure** at the east end of the alignment and partial closures lasting **8 to 10 weeks**.

- **The Impact:** Framing a two-month road closure as a temporary transportation inconvenience ignores the operational reality of our agricultural community. Severing Kilkenny Road completely disrupts the movement of heavy farming machinery, delays time-sensitive harvests, and bottlenecks daily transit for local residents. The community should not endure a multi-month logistical lockout to facilitate a project that directly violates our county land-use policies.

VII. Conclusion: The Absolute Lack of Overriding Consideration

The Corby BESS Project represents an unnecessary and forced industrial intrusion into a highly sensitive, historically significant agricultural landscape. The engineering fixes proposed in the Staff Assessment are brittle patches covering fundamental site deficiencies: a critical lack of water infrastructure, a shallow groundwater table prone to dewatering complications, severe traffic disruptions, and an operational framework that leaves local first responders in the dark.

Because the visual and cultural degradation of the Kilkenny corridor is explicitly recognized as **Significant and Unavoidable**, the burden of proof for an "overriding benefit" rests entirely on the applicant. Paying a financial fine to irreversibly modify our environment does not substitute for local safety and zoning integrity.

We urge the California Energy Commission to respect Solano County Ordinance No. ZT-25-02, uphold the integrity of our agricultural infrastructure, and **deny** the certification of the Corby BESS Project.