DOCKETED	
Docket Number:	24-OPT-05
Project Title:	Corby Battery Energy Storage System Project
TN #:	271557
Document Title:	THERESA FORD Comments - Opposition to Approval of the Corby Project
Description:	N/A
Filer:	System
Organization:	THERESA FORD
Submitter Role:	Public
Submission Date:	7/20/2026 1:28:28 PM
Docketed Date:	7/20/2026

Comment Received From: THERESA FORD
Submitted On: 7/20/2026
Docket Number: 24-OPT-05

Opposition to Approval of the Corby Project

Additional submitted attachment is included below.

Formal Comment to the California Energy Commission

Opposition to Approval of the Corby Battery Energy Storage System (BESS) – Noise Impacts

Dear Commissioners,

I respectfully submit this comment opposing approval of the Corby Battery Energy Storage System in Vacaville due to significant, inadequately analyzed, and insufficiently mitigated **operational noise impacts** on nearby sensitive receptors and wildlife. The record does not support the conclusion that noise impacts would be "less than significant."

1. The EIR does not model noise at the nearest sensitive receptor (90 feet)

Project documentation identifies six sensitive receptors, including one located approximately 90 feet from the project property line. However, the EIR's operational noise analysis models noise only at a receptor 1,200 feet from the center of the project site, not at the actual nearest receptor.

This modeling choice artificially increases the distance between the noise sources and receptors, leading to underestimated operational noise levels. CEQA requires analysis at the actual point of impact, not at a generalized or more distant location.[1]

This omission alone renders the operational noise analysis incomplete.

2. The EIR does not demonstrate worst-case HVAC operation

Battery energy storage systems rely on continuous HVAC cooling, which is the dominant noise source. Worst-case conditions occur during:

- High ambient temperatures
- Simultaneous HVAC operation across all containers
- PCS inverter cooling
- Nighttime temperature inversions that increase noise propagation

The EIR does not state that worst-case HVAC operation was modeled. Without this, the analysis cannot support a "less than significant" finding.

3. The EIR omits tonal noise analysis and penalties

[1] CEQA case law requires analysis of environmental impacts at the actual locations where those impacts will be experienced. In *City of Long Beach v. Los Angeles Unified School District* (1993) 19 Cal.App.4th 1022, the court held that an EIR must evaluate impacts on sensitive receptors "where those receptors are located." Because the Corby BESS EIR modeled operational noise from the center of the project site rather than at the nearest receptor located 90 feet from the property line, the analysis is not supported by substantial evidence.

BESS HVAC systems produce tonal noise, a steady hum that is more intrusive than broadband noise. Tonal noise is noise with a distinct pitch, such as the hum of HVAC units, transformers, and inverters. Tonal noise is more intrusive and more easily perceived than broadband noise, particularly at night, and standard acoustical practice applies a +5 dB penalty to account for its increased impact. Because BESS facilities generate tonal noise from HVAC systems, inverters, and transformers, CEQA requires an analysis of its effects on both humans and wildlife. The EIR does not evaluate tonal noise, does not apply a tonal penalty, and does not analyze how tonal noise would affect noise-sensitive species, rendering the biological and noise analyses incomplete. Many jurisdictions apply a +5 dB tonal penalty for pure tones.

The EIR:

- Does not evaluate tonal noise
- Does not apply a tonal penalty
- Does not analyze frequency content

This omission understates actual perceptual noise impacts, especially at night.

4. The EIR uses Leq instead of CNEL[2], contrary to Solano County requirements

Solano County's noise ordinance and General Plan use CNEL for stationary noise sources. CNEL includes evening and nighttime penalties that better reflect human sensitivity during those hours.

The EIR uses Leq[3], a less protective metric, and does not provide CNEL values. This is a non-compliant metric choice that understates nighttime impacts. Solano County's General Plan and Noise Ordinance require the use of the CNEL metric for evaluating stationary noise sources. CNEL includes evening and nighttime penalties that reflect human sensitivity during those hours. The EIR instead uses Leq, a less protective metric that omits these penalties and understates nighttime noise impacts. Because the EIR does not provide CNEL values or evaluate the project using the County's adopted standard, its conclusion of "less than significant" operational noise impacts is not supported by substantial evidence.

5. The EIR's claim of only a 1–2 dB increase is not supported by substantial evidence

The EIR asserts that operational noise will increase ambient levels by only **1–2 dB** at Rec01. This is physically unrealistic for a BESS containing:

- Hundreds of HVAC units

[2] Community Noise Equivalent Level
[3] average noise level over a period of time

- PCS inverters
- Transformers
- Container fans

Industry-standard HVAC noise levels for containerized BESS cooling systems are typically 70–75 dBA at 1 meter, according to manufacturer datasheets and published environmental noise studies for similar battery storage projects.[4] I am not offering expert acoustical testimony, but this widely accepted range provides a reasonable basis for understanding the cumulative noise potential of 341 HVAC units operating simultaneously. Even with distance attenuation, a cumulative increase of only 1–2 dB is not credible unless:

- Sound power levels were underestimated
- Tonal noise was ignored
- Worst-case operation was not modeled
- Distances were misrepresented

The record does not contain substantial evidence supporting this conclusion.

As a layperson, I am not offering expert acoustical testimony. However, using a simple AI-assisted calculation based on standard acoustical principles, 341 HVAC units each producing approximately 72 dBA at 1 meter (roughly comparable to standing next to a household vacuum cleaner) would result in a combined sound power level of roughly 97 dBA at 1 meter (similar to the front row of a loud rock concert or a jackhammer at close range). Even with conservative distance attenuation, cumulative operational noise at the nearest receptor (approximately 90 feet from the property line) could be comparable to, or above, the upper end of the existing ambient noise levels reported in the EIR. I offer this illustrative estimate only to highlight that

[4] **ASHRAE HVAC Applications Handbook** – Typical sound pressure levels for small mechanical cooling units and packaged HVAC equipment fall within the 70–80 dBA range at 1 meter. *(American Society of Heating, Refrigerating and Air-Conditioning Engineers)*

Manufacturer Technical Datasheets for containerized BESS cooling systems (e.g., Fluence, Powin, Sungrow, Tesla Megapack), which commonly list HVAC fan noise in the 68–78 dBA range at 1 meter. *(Publicly available equipment specifications)*

Environmental Noise Studies for Similar BESS Projects submitted in CEQA and NEPA filings in California, Arizona, and Nevada, which typically assume HVAC noise levels of 70–75 dBA at 1 meter for modeling purposes. *(Examples include noise studies for Vistra Moss Landing, TerraGen Daggett, and AES Alamitos BESS projects.)*

ISO 3744 / ISO 9613-2 Acoustic Modeling Standards, which classify small mechanical equipment (including HVAC units) within the 70–80 dBA sound power range at 1 meter for environmental noise modeling. *(International Organization for Standardization)*

the EIR's conclusion of a mere 1–2 dB increase and "non-perceptible" noise is not intuitively or physically plausible and warrants independent expert review.

6. Solano County Ordinance Article III requires a full acoustical study — which the EIR does not provide

Solano County requires acoustical studies for projects that:

- Introduce mechanical noise sources
- Are near sensitive receptors
- Are in areas where ambient noise approaches 65 dBA
- Cannot meet the 60 dB CNEL standard without mitigation

The Corby BESS meets all of these criteria.

Yet the EIR does not include:

- A complete acoustical model
- Sound power levels for all equipment
- CNEL analysis
- Tonal noise evaluation
- Modeled noise at the 90-foot receptor
- Demonstrated effectiveness of mitigation

Therefore, the EIR does not comply with Solano County's own noise requirements.

7. COC[5] NOISE-4 improperly defers analysis to post-approval monitoring

The EIR relies on COC NOISE-4 to "verify" compliance after construction. CEQA does not permit deferring analysis of significant impacts or relying on future monitoring to determine whether mitigation will be effective. CEQA Guidelines §15126.4(a)(1)(B) expressly prohibits deferring formulation of mitigation measures to a future time, and case law (Sundstrom v. County of Mendocino, 1988; San Joaquin Raptor Rescue Center v. County of Merced, 2007; Gray v. County of Madera, 2008) confirms that mitigation must be fully defined, supported by evidence, and demonstrated to be effective before project approval. Because COC NOISE-4 merely requires post-construction noise measurements and does not correct the deficiencies in the modeling, it cannot substitute for a complete analysis and does not satisfy CEQA's requirements.

[5] Condition of Certification

8. Wildlife impacts are acknowledged but not analyzed

The EIR states that noise "may have an effect on birds." Continuous tonal noise can interfere with:

- Mating calls
- Nesting behavior
- Predator detection
- Foraging patterns

The EIR identifies several noise-sensitive species, including the burrowing owl and western bluebird, yet provides no analysis of how continuous operational noise from 341 HVAC units—including tonal noise and nighttime noise—would affect nesting, foraging, mating calls, or predator-avoidance behavior. CEQA requires species-specific analysis of biological impacts (CEQA Guidelines §15065(a)(1); Appendix G; Sierra Club v. County of Fresno, 2018), and general statements that noise "may have an effect on birds" do not satisfy CEQA's requirement for factual, evidence-based analysis. Because the EIR does not evaluate noise impacts on the very species it identifies, its biological resources analysis is incomplete and not supported by substantial evidence.

- **Conclusion and Request**

Because the EIR does not:

- Model noise at the nearest receptor (90 feet)
- Demonstrate worst-case HVAC operation
- Apply tonal noise penalties
- Use the required CNEL metric
- Provide substantial evidence supporting its conclusions
- Comply with Solano County's acoustical study requirements
- Analyze wildlife noise impacts

…the finding of "less than significant" operational noise impacts is *not supported by substantial evidence.*

I respectfully request that the CEC:

1. **Deny approval** of the Corby BESS as currently proposed, or
2. **Require a revised noise analysis** that includes:
    - Full acoustical modeling at all sensitive receptors
    - Worst-case HVAC operation
    - Tonal noise penalties
    - CNEL analysis
    - Comprehensive wildlife impact evaluation
3. Require feasible mitigation such as increased setbacks, full-site acoustic barriers, or alternative cooling technologies.

Thank you for your consideration.