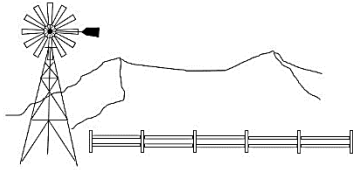


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Comment letter from Save Our Rural Town

Additional submitted attachment is included below.



SAVE OUR RURAL TOWN

Renee Longman
Project Manager
California Energy Commission
715 P Street, MS-40
Sacramento, CA 95814

August 20, 2026

Subject: Comments by Save Our Rural Town (SORT) Pertaining to the Noise Impact Analysis Prepared for the Proposed Corby Battery Energy Storage System (BESS) Project.

Reference: California Energy Commission Docket Number 24-OPT-05.
Staff Assessment/Environmental Impact Analysis Issued July 15, 2026.

Dear Ms. Longman;

Save Our Rural Town (SORT) respectfully offers the following comments on the Staff Assessment and included Environmental Impact Report (EIR) prepared for the Corby Battery Energy Storage System (Corby or Corby BESS) project that is proposed by Corby Energy Storage, LLC and which also includes ancillary transmission facilities that will be owned and operated by North Bay Interconnect, LLC (collectively, applicant). These energy infrastructure developments are undergoing concurrent review by the California Energy Commission (Commission) pursuant to Public Resources Code §§ 25545–25545.13. The following comments focus on errors and deficiencies noted in the noise impact analysis presented in Section 5.9 of the Staff Assessment. SORT respectfully requests that the Commission consider the comments provided herein and pursuant thereto, reverse the Staff Assessment’s position that the proposed Corby BESS project will not result in any significant noise impacts.

Please note that the following comments were prepared by Jacqueline Ayer, the Director of SORT. Ms. Ayer has decades of engineering experience in environmental impact assessments (air quality, noise, land use, traffic, etc.), regulatory compliance, zoning and land use, and energy/transmission systems. Accordingly, the following comments constitute “substantial evidence” as that term is defined by CEQA.

THE STAFF ASSESSMENT ESTABLISHES ERRONEOUS NOISE STANDARDS AND NOISE THRESHOLDS OF SIGNIFICANCE.

The conclusion set forth in the Staff Assessment and included EIR that the Corby BESS will not result in significant noise impacts is flawed in part because the Staff Assessment

does not establish proper thresholds of significance in accordance with requirements imposed by the California Environmental Quality Act (CEQA). SORT understands that EIRs are not typically required in Commission actions¹. However, the Corby BESS project is subject to CEQA through operation of Section 25545.7(b) of the Public Resources Code; accordingly, a legally sufficient EIR must be prepared which (among other things) can include thresholds of significance. CEQA defines a threshold of significance as "an identifiable quantitative, qualitative or performance level of a particular environmental effect, noncompliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant"². Thresholds of significance that are implemented for general use must be supported by substantial evidence, developed through a public review process, and adopted by ordinance, resolution, rule, or regulation³. Furthermore, such thresholds are not automatically determinative because the Lead Agency must still consider any fair argument that an effect may be significant notwithstanding compliance with a threshold⁴.

Examples of legally sufficient thresholds of significance for the Corby BESS (located in unincorporated Solano County) would be noise standards imposed by the Solano County Code and the Solano County General Plan because they were adopted pursuant to a public review processes and supported by substantial evidence. Other examples of legally sufficient thresholds of significance are in Appendix G of the CEQA Guidelines.

The Staff Assessment acknowledges on page 5.9-11 that, pursuant to CEQA, a project "would normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans (County's or City's noise level thresholds), or if noise levels generated by the project would substantially increase existing ambient noise levels at noise-sensitive receivers on a permanent or temporary basis". However, these are not the characteristics of the thresholds of significance that are discussed in the Staff Assessment; in fact, the thresholds of significance that are discussed on pages 5.9-12 to 5.9-13 of the Staff Assessment do not comply with CEQA.

For example, page 5.9-11 states that "an increase of 5 dBA is considered less than significant, particularly if the resulting noise level does not exceed an established community noise standard" and page 5.9-12 asserts "Noise due to construction activities are considered to be less than significant if the construction activity is temporary and the use of heavy equipment and noisy activities is limited to daytime hours". These

¹ Most Commission actions involve "certified regulatory programs" that are subject Section 21080.5 of the California Public Resources Code and thus do not require the preparation of an EIR.

² CEQA Guidelines Section 15064.7(a).

³ CEQA Guidelines Section 15064.7(b).

⁴ CEQA Guidelines Section 15064.

thresholds of significance are substantially deficient for several reasons. First, they are not corroborated and no citations are provided; accordingly, they are not supported by *any* evidence (let alone substantial evidence). Second, a 5 dBA increase represents a nearly 50% increase in noise level which is certainly significant in a variety of circumstances⁵. Third, because Corby BESS construction activities will persist for more than a year, the noise impacts it creates are hardly “temporary”. Fourth, the length and timing of an impact is not determinative of significance, particularly if the impact violates a General Plan Goal or Program that was adopted for the purpose of reducing environmental impacts⁶.

In considering noise impact thresholds of significance, the Staff Assessment also asserts

- “There are no adopted thresholds for an increase in noise levels to be considered a significant impact for construction activities”;
- An increase of 10 dBA “is generally considered to be the starting point at which significant noise impacts may occur”;
- “It is very difficult to identify the exact level of noise resulting from construction because it fluctuates”; and
- “Performance standards (i.e., a complaint and redress process) are ultimately used as a backstop measure to address any impacts that are perceived by the community”.

These statements lack citations and are not supported by evidence. More importantly, every one of them is materially false:

- The Noise Element adopted in the Solano County General Plan incorporates numerous noise thresholds that are considered significant impacts for construction activities (as discussed in more detail below).
- Adopted standards clearly demonstrate that a 10 dBA noise increase is *always* significant regardless of whether it occurs in a quiet rural area or a loud urban area⁷.
- Standard noise assessment methodologies routinely identify exact noise levels resulting from construction and characterize associated fluctuations by reporting actual maximum (L_{max}) values, average equivalent (L_{eq}) values, and statistical sound level exceedances such as L_{10} (the noise level exceeded 10% of the time), L_{50} (the noise level exceeded 50% of the time), and L_{90} (the noise level exceeded 90% of the time).

⁵ Federal standards establish that a 5 dBA increase is severe, particularly where ambient noise levels are 60 dBA or more. *FTA Transit Noise and Vibration Impact Assessment Manual*. Figure 4-3.

⁶ *Joshua Tree Downtown Business Alliance v. County of San Bernardino* 1 Cal.App.5th 677, *Pocket Protectors v. City Of Sacramento* (2004) 124 Cal.App.4th 903.

⁷ Federal standards establish that a 10 dBA noise increase is significant areas where ambient noise levels are 50 dBA or more. *FTA Transit Noise and Vibration Impact Assessment Manual*. Figure 4-3.

- A “complaint and redress” process **is not** a performance standard. A performance standard is a quantitative, objective, and measurable threshold that must be achieved by the applicant and enforced by the Lead Agency. In contrast, a “complaint and redress process” is purely subjective, it involves no quantitative or measurable thresholds, and it improperly shifts compliance and enforcement burdens onto the public because it compels the public to persistently, continually, and repeatedly engage with both the applicant and the Lead Agency to mitigate noise impacts.
- A “complaint and redress process” **is never** permitted as “a backstop measure” to mitigate impacts under CEQA. CEQA narrowly defines mitigation to include only actions that avoid, minimize, reduce, rectify, and compensate for impacts⁸. “Complaint and redress” processes do not avoid, minimize, reduce, rectify or compensate for impacts; thus, they do not qualify as CEQA mitigation. Furthermore, CEQA places the responsibility for implementing mitigation measures solely on the Lead Agency;⁹ therefore, any “measure” that depends on the public for its implementation **is not** a mitigation measure under CEQA.

As if to compound these errors, the Staff Assessment states on Page 5.9-12 that “Solano County does not have established noise level thresholds or noise limitations for construction-generated noise”. This statement is incorrect. The Solano County General Plan adopts Policy Implementing Program HS.1-67 which explicitly applies to construction activities (among other things) and requires such activities to comply with the noise standards set forth in Table HS-5¹⁰. Table HS-5 establishes noise standards for numerous types of land uses, and includes both daytime and nighttime standards for residential uses; these are the noise standards that apply to the Corby BESS project because it is located in a residential area in unincorporated Solano County.

Furthermore, Table HS-5 establishes both average equivalent (L_{eq}) noise standards and actual maximum (L_{max}) noise standards and all aspects of the Corby BESS project must comply with both. And, because Implementing Program HS.1-67 and Table HS-5 were adopted into the Solano County General Plan for the purpose of reducing environmental impacts¹¹, the noise standards that they establish are CEQA-compliant thresholds of significance which apply to Corby BESS operations **as well as** Corby BESS construction activities.

⁸ CEQA Guidelines Section 15370.

⁹ CEQA Guidelines Section 15097.

¹⁰ Program HS.1-67 is discussed on page HS-116 of the Solano County General Plan.

¹¹ Page 3-21 of the EIR certified for the Solano County General Plan states “The policies and implementing programs in the noise section are intended to prevent excessive noise impacts while still allowing adequate opportunities for development of commercial and industrial uses and transportation infrastructure”. Additionally, the EIR considers “Impact 4.3-2a” pertaining to “Development of Noise-Producing Uses near Existing Noise-Sensitive Land Uses” and Page 4.3-30 concludes that this impact is rendered “Less than Significant” through the implementation of Policy Program HS.1-67 as well as all the other Policy Noise Programs listed on Page 4.3-29.

Additionally, the Solano County Code regulates construction noise. For instance, Solano County Code Section 28.70.10.B imposes stringent noise standards on the conduct of **all** non-agricultural uses¹², and states: “All uses of land and structures shall be conducted in a manner, and provide adequate controls and operational management to prevent noise that exceeds 65 dBA at any property line”. Notably, this ordinance establishes a maximum noise level allowed at the property line; therefore, it is an *actual* maximum (L_{max}) noise standard and not an *average* equivalent (L_{eq}) noise standard (despite applicant claims to the contrary¹³). And, because this noise standard was adopted by ordinance pursuant to a public hearing, it is a CEQA-compliant threshold of significance that applies Corby BESS operation and construction.

Nonetheless, the Staff Assessment appears to conclude that Section 28.70.10.B does not necessarily apply to Corby BESS construction activities. Specifically, while it acknowledges on page 5.9-12 that “The Solano County Code establishes a noise performance standard for land uses that requires activities to be conducted so that noise generated by a use does not exceed 65 A-weighted decibels (dBA) at the property line of the receiving land use (Solano County Code Section 28.30). The Solano County Code does not establish specific exemptions for construction activities”, it also states “construction noise is temporary and intermittent and is generally evaluated qualitatively in environmental analyses”. Aside from improperly attributing the 65 dBA standard to Section 28.30 rather than Section 28.70.10.B, the Staff Assessment provides no evidence to support the claim that construction noise is “generally evaluated qualitatively in environmental analyses”. Notably, this claim is expressly controverted by Solano County General Plan Implementation Program HS.1-67 which commands the preparation of a *quantitative* noise analysis because it requires construction activities to demonstrate compliance with the noise performance standards in Table HS-5.

It is clear from the unambiguous language set forth in Section 28.70.10.B of the Solano County Code that the 65 dBA L_{max} limit it imposes is applicable to construction activities. Under the rules of statutory construction, the Commission is obligated to give plain and ordinary meaning to ordinance language and not “read into” such language specific exclusions or exemptions that do not exist. Section 28.70.10.B of the Solano County Code does not exempt or exclude construction uses, and the Staff Assessment errs in suggesting otherwise.

¹² The only activities exempt from complying with the standards imposed by Section 28.70.10.B pertain to agricultural operations regulated under Section 2.2 of the Solano County Code.

¹³ The applicant asserts (without evidentiary support) that the 65 dBA noise standard established by Section 28.70.10.B is an average equivalent (L_{eq}) standard rather than an actual maximum (L_{max}) standard (See Section 4.13 and Appendix 4-13 portions of the application). The applicant is incorrect. The plain language of Section 28.70.10.B clearly establishes 65 dBA as a maximum value; if it were intended to be an average equivalent value, the Code would express the standard in terms of L_{eq} , L_{DN} , or CNEL.

The Staff Assessment also mischaracterizes the noise standards imposed by Table HS-5 of the Solano County General Plan as “operational noise standards”¹⁴ when in fact they apply to *all* non-transportation activities including construction. This fact is clearly enumerated on page HS-116 of the General Plan which establishes that the standards imposed by Table HS-5 apply to construction operations. In other words, the noise standards imposed by Table HS-5 apply to Corby BESS construction *and* Corby BESS operation, and any exceedance of these standards constitutes a significant environmental impact regardless of whether it occurs during construction or operation.

The Staff Assessment discussion pertaining to applicable thresholds of significance also fails to consider a fundamental tenet in CEQA: A project is deemed to have a significant noise impact if it exceeds a noise standard adopted in a General Plan or local ordinance¹⁵. Because Corby BESS construction activities will exceed noise standards adopted in the Solano County General Plan and Solano County Code (as explained below), it will result in numerous and significant noise impacts.

To correct the errors enumerated above, the noise analysis in the Staff Assessment must be revised to recognize the following “Thresholds of Significance” for the Corby project:

- A 55 dBA daytime average (L_{eq}) noise limit at residential receptors during construction as required by Table HS-5 and Implementation Program HS.1-67 of the Solano County General Plan.
- A 70 dBA daytime maximum (L_{max}) noise limit at residential receptors during construction as required by Table HS-5 and Implementation Program HS.1-67 of the Solano County General Plan.
- A 65 dBA actual maximum (L_{max}) noise limit at the property boundary during construction as required by Section 28.70.10.B of the Solano County Code.
- A 55 dBA daytime average (L_{eq}) noise limit at residential receptors during operation as required by Table HS-5 and Implementation Program HS.1-67 of the Solano County General Plan.
- A 70 dBA daytime maximum (L_{max}) noise limit at residential receptors during operation as required by Table HS-5 and Implementation Program HS.1-67 of the Solano County General Plan.
- A 60 dBA nighttime average (L_{eq}) noise limit at residential receptors during operation as required by Table HS-5 and Implementation Program HS.1-67 of the Solano County General Plan¹⁶.

¹⁴ Page 5.9-12 states: “the General Plan establishes more stringent non-transportation *operational* noise standards for residential uses of 55 dBA L_{eq} during the daytime and 50 dBA L_{eq} during the nighttime” (emphasis added) and then points to “Table 5.9-2” which is actually Table HS-5.

¹⁵ CEQA Guidelines Appendix G.

¹⁶ The Staff Assessment asserts that the existing ambient nighttime equivalent noise at the location of Sensitive Receptor Reco1 is 56 dBA L_{eq} and because of this, the applicable nighttime noise equivalent

- A 65 dBA actual maximum (L_{max}) noise limit at the property boundary during operation as required by Section 28.70.10.B of the Solano County Code.

CONSTRUCTION NOISE PROJECTIONS AND MITIGATION ASSUMPTIONS ALLEGED IN THE STAFF ASSESSMENT LACK EVIDENTIARY SUPPORT.

CEQA requires that determinations pertaining to the significance of project impacts be supported by substantial evidence, and it clarifies that substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts; it is not argument, speculation, unsubstantiated opinion or narrative [CEQA Statute 21080]. Accordingly, allegations regarding noise levels that will be generated by the Corby project and noise reductions that will be achieved via “Conditions of Certification” (COCs) must be quantitatively supported by substantial evidence that is documented in the record and made available to stakeholders for review and analysis.

Unfortunately, the Staff Assessment’s noise analysis does not meet these requirements. For instance, page 5.9-14 states that Corby BESS construction activities will “generate noise levels of up to 71.5 dBA L_{eq} ” at receptor location Rec01; however, the Staff Assessment does not identify the source of this 71.5 dBA L_{eq} value, discuss how it was derived, or substantiate it with modeling data. The only explanation that the Staff Assessment provides is that the 71.5 dBA was “modeled using a representative set of construction equipment with reference noise levels ranging from 75 to 85 dBA at 50 feet”. Because the 71.5 dBA noise level alleged by the Staff Assessment is not supported by the evidentiary record, it must be regarded as unsubstantiated opinion which carries little to no weight. Additionally, many of the mitigation measures included in COC NOISE 6 will not demonstrably reduce construction noise by the 10 dBA claimed by the Staff Assessment¹⁷.

SORT is concerned that the 71.5 dBA L_{eq} construction noise level alleged by the Staff Assessment is not only uncorroborated, it is also substantially skewed because it fails to account for pile driver operations (which are exceedingly loud¹⁸ and will occur frequently during Corby BESS construction¹⁹). It is certain that the 71.5 dBA L_{eq} noise

standard is 60 dBA L_{eq} rather than the 50 dBA L_{eq} set forth in Table HS-5 (page 5.9-17). However, ambient monitoring was not conducted at location Rec01; instead, noise measurements were collected along a roadway approximately 850 feet west of Rec01. These measurements do not represent existing ambient conditions at receptor location Rec01; nonetheless, SORT will accept them until properly representative ambient noise data are collected.

¹⁷ For example, COC NOISE 6 limits operating schedules (which does not reduce noise), restricts equipment idling, and requires construction to be performed in a manner which prohibits “excessive noise” (whatever that means) and reduces the “potential for noise complaints” (whatever that means). The only effective measure that is required by COC NOISE-6 is the deployment of noise barriers near construction zones which interrupt the receptor line of site.

¹⁸ Pile drivers have reference noise levels of 104 dBA at 50 feet. Staff Assessment Page 5.9-14.

¹⁹ Updated Project Description submitted by applicant on April 2, 2025. Table 2.2-2.

level does not account for pile driver operations because it was modeled based solely on construction equipment having a maximum reference noise level of 85 dBA (which is far less than a pile driver's 104 dBA reference noise level²⁰). This failure to account for pile driver operations in the 71.5 dBA construction noise level projected by the Staff Assessment substantially undermines the legitimacy of the entire noise impact analysis.

As if to confirm SORT's concern that the 71.5 dBA construction noise level alleged by the Staff Assessment is heavily biased because it fails to account for pile driver operations, page 5.9-15 asserts that the average noise level resulting from pile driver operations alone is 78 dBA L_{eq} at receptor location Rec01; the Staff Assessment also states that this will increase ambient noise at location Rec01 by 26 dBA L_{eq} . Once again, the Staff Assessment fails to identify the sources of the alleged 78 dBA noise level and 26 dBA noise increase or discuss how they were derived or provide modeling results to substantiate them. Because the 78 dBA L_{eq} pile driver noise level and the 26 dBA noise increase alleged by the Staff Assessment are not supported by the evidentiary record, they are little more than unsubstantiated opinion. However, these values *do* indicate that, when pile driver operations are properly accounted for, projected construction noise levels *will* substantially exceed the 71.5 dBA L_{eq} level that is alleged by the Staff Assessment.

Finally, SORT observes that there is ***nothing*** in the record to substantiate the assumption adopted by the Staff Assessment that COC NOISE-7 will reduce pile driver noise impacts by 20 dBA. In fact, page 5.9-25 clarifies that COC NOISE-7 merely requires the applicant to "perform pile driving activities within 1,000 feet of any residence in a manner to reduce the potential for any project-related noise and vibration complaints". Putting aside the fact that mitigation measure COC NOISE-7 facially violates CEQA because it is entirely aspirational and thus completely unenforceable²¹,

²⁰ Page 5.9-14 states that the reference noise for pile driver operation is 104 dBA at 50 feet.

²¹ CEQA Guidelines Section 15126.4 requires all mitigation measures to be fully enforceable through permit conditions, agreements, or other legally-binding instruments; therefore, CEQA precludes the adoption of aspirational mitigation measures that are intrinsically unenforceable. These are the circumstances presented by COC NOISE 7 which is intrinsically unenforceable because it directs the applicant "perform" in a "manner" that "reduces" the "potential" for noise complaints. First, there are no objective standards which could be applied to quantitatively assess the "manner" of the applicant's pile driver performance or verify whether such performance has indeed fully and completely "reduced" the "potential" for noise complaints. Second, this mitigation measure requires the Commission to develop a baseline dataset that quantifies the "potential" for noise complaints to occur in response to Corby construction, and then develop a metric for assessing whether the applicant has "reduced" this "potential" below the baseline value. Next, the Commission would have to find a way to distinguish between those perceived "reductions" that are solely attributable to the "manner" in which the applicant's pile driver operators "performed" and those perceived "reductions" that are a result of some other factor (such as complainant fatigue). This is particularly important because it is likely that the volume of noise complaints will drop over time just because residents will become fatigued by the noise complaint process (particularly when they realize that complaining makes no difference). In short, COC NOISE 7 is completely unenforceable and thus violates CEQA.

there is no record evidence which shows that COC NOISE-7 will reduce pile driver noise by 20 dBA. A directive to construction workers to “operate pile drivers in a manner that reduces the potential for noise complaints” has no evidentiary value and it certainly does not constitute proof that pile driver noise will be reduced by 20 dBA or comply with noise standards set forth in the Solano County General Plan and County Code.

In short, the allegations set forth in the Staff Assessment pertaining to noise impacts attributed to Corby BESS construction are not supported by any evidence (let alone substantial evidence). Therefore, the Staff Assessment’s conclusions that Corby BESS construction noise impacts are “Less than Significant” lacks basis and can be accorded no weight.

EVEN IF THE NOISE LEVELS AND NOISE REDUCTIONS ALLEGED BY THE STAFF ASSESSMENT COULD BE DEEMED ACCURATE, THEY STILL DEMONSTRATE THAT CORBY BESS CONSTRUCTION NOISE IMPACTS ARE SIGNIFICANT AND UNMITIGABLE.

If we assume that the unsubstantiated 71.5 dBA L_{eq} construction noise level claimed by the Staff Assessment is accurate (even though it is not), this assumption still results in construction noise impacts that are significant. Accordingly, Corby BESS construction noise impacts are “Significant” and the Staff Assessment errs substantially in concluding otherwise (see page 5.9-13).

For instance, Noise Program HS.1-67 adopted by the Solano County General Plan requires construction operations to comply with the noise limits imposed by Table HS-5 which restrict average daytime noise levels in residential areas to 55 dBA L_{eq} and average nighttime noise levels in residential areas to 50 dBA L_{eq} (although the Staff Assessment claims that, for the Corby BESS project, this nighttime value should be adjusted to 60 dBA L_{eq} ²²). Because the 71.5 dBA L_{eq} noise level alleged by the Staff Assessment will only be reduced by 10 dBA through implementation of COC NOISE 6, the resulting 61.5 dBA L_{eq} value exceeds both the 55 dBA L_{eq} daytime standard and the 60 dBA nighttime standard imposed by Implementation Program HS.1-67. And, because Implementation Program HS.1-67 was adopted for the purpose of reducing environmental impacts, its violation by Corby BESS construction activities constitutes a “Significant” Impact under CEQA²³. Therefore, if the Commission accepts the uncorroborated 71.5 dBA L_{eq} noise level and the 10 dBA noise reduction alleged by the Staff Assessment, then the Commission must also concede that Corby construction noise impacts exceed adopted County standards and are thus “Significant”.

²² See page 5.9-17.

²³ As explained above, every instance in which a project violates a General Plan goal, policy, objective or program that was adopted for the purpose of reducing environmental impacts constitutes a separate and distinct significant effect on the environment pursuant to CEQA.

SORT notes that the Staff Assessment fails to report any maximum (L_{max}) noise levels resulting from Corby construction activities and, by extension, fails to assess whether Corby construction will comply with the 70 dBA L_{max} daytime standard imposed by Implementation Program HS.1-67 in the Solano County General Plan and the 65 dBA L_{max} property boundary standard imposed by the County Code. This fact alone controverts any conclusions that construction noise impacts are “Less than Significant” because such conclusions would be based on an incomplete analysis of noise standards imposed by the General Plan and County Code.

Notwithstanding the abovementioned deficiencies, the evidentiary record indicates that Corby BESS construction will exceed the 70 dBA L_{max} daytime limit imposed by the General Plan and the 65 dBA property boundary L_{max} limit imposed by the County Code. Specifically, the Staff Assessment clarifies that pile driver operations will generate a maximum noise level of 104 dBA at 50 feet (page 5.9-14) and, according to Figure 9.5-1, the BESS yard where pile driver operations will occur is located 750 feet from the northerly residential property boundary and 800 feet from the northerly residence. Assuming a very conservative geometric attenuation rate of 5 dBA per distance doubled²⁴, pile driver operation will generate maximum (L_{max}) noise level of at least 85 dBA at the northerly property line and at least 83 dBA at the northerly residence. These values exceed the 70 dBA L_{max} standard and the 65 dBA property boundary L_{max} standard; therefore, Corby BESS construction impacts are “Significant”. SORT also notes that, at the east property boundary (which is 150 feet from the BESS yard), pile driver noise levels will exceed 94 dBA²⁵.

Notably, these significant pile driver noise impacts will not be reduced to a level that is “Less than Significant”. For example, the mitigation measure identified in the Staff Assessment to reduce pile driver noise (COC NOISE 7) is vague, it incorporates no quantitative metrics, and it relies entirely on the public to continually lodge complaints; thus, it can never demonstrate that a 20 dBA noise reduction is achieved. There is nothing substantive, concrete, or definitive in COC NOISE-7 (which is more of a “hope” than a “plan”) and because it violates CEQA (as explained above), it provides no evidentiary basis to conclude that pile driver noise insults will be mitigated to a level that complies with County standards and is therefore “Less than Significant”²⁶.

²⁴ The 5 dBA per distance doubled is based on the Inverse Square Law pertaining to the propagation and attenuation of sound [$L_p(R2) = L_p(R1) - 20 \cdot \log_{10}(R2/R1)$] and assumes no shielding and a hard ground. These are reasonable assumptions given that the project site will be scraped bare (and thus will have no vegetation to absorb sound) and the area has a rural profile with no topography, buildings, hills, or barriers.

²⁵ Assuming the 5 dBA noise attenuation per distance doubled that is described above.

²⁶ Unmitigated pile driver noise will exceed 65 dBA at distances greater than 4,000 feet (where, per the Inverse Square Law, pile driver noise is still 65.9 dBA). Thus, significant noise impacts will occur across multiple property lines (particularly since COC NOISE-7 is only applied within 1,000 feet of a residence).

Finally, the Staff Assessment alleges that the existing daytime ambient noise level at receptor location Rec01 is only 52 dBA L_{eq} ²⁷. If we accept this as true, and also accept the Staff Assessment claim that pile driver operations will increase the daytime ambient noise level at Rec01 by 26 dBA L_{eq} ²⁸, then this 26 dBA increase in ambient noise at location Rec01 is, in and of itself, a significant impact because it means that sound energy will increase by a factor of nearly 400 and noise will increase by a factor of 5²⁹. Yet, the Staff Assessment fails to characterize this substantial physical change in the environment as a “Significant Impact” even though it is facially obvious that it is. Certainly, adopted Federal standards demonstrate that a 26 dBA L_{eq} noise increase is significantly adverse³⁰.

In short, Corby BESS construction activities will exceed all adopted County noise standards and will therefore result in significant and unmitigable noise impacts. The Staff Assessment errs in concluding otherwise.

THE STAFF ASSESSMENT DOES NOT CONCLUSIVELY DEMONSTRATE THAT NOISE IMPACTS FROM CORBY BESS OPERATIONS ARE LESS THAN SIGNIFICANT.

The Staff Assessment concludes that Corby BESS operations will not result in significant noise impacts. However, this conclusion is based solely on a noise analysis that was submitted by the applicant and which provides no supporting technical data; this prevents the public from assessing the veracity of the applicant’s results. For instance, the applicant makes numerous conclusory statements pertaining to projected noise levels at fenceline and sensitive receptor locations, but provides no noise output files or other data to support these statements; it is not even clear whether the assumptions that are alleged to have been incorporated into the noise model are appropriate³¹. Despite this glaring lack of substantive evidentiary support in the applicant’s noise analysis, the Staff Assessment simply parrots the applicant’s conclusory statements and relies on them to conclude that operational noise impacts of the Corby BESS are “Less than Significant”. None of this is acceptable under CEQA which precludes the Commission from simply adopting applicant claims pertaining to the significance of environmental impacts *particularly when such claims are uncorroborated and unsubstantiated*.

²⁷ Page 5.9-14.

²⁸ Page 5.9-15.

²⁹ The relationship between dBA and sound energy is logarithmic, and every 10 dBA increase means the sound energy increases by a factor of 10, and the noise level doubles.

³⁰ Federal standards establish that noise impacts are “severe” when an existing 52 dBA L_{eq} noise level is increased by only 10 dBA L_{eq} . *FTA Transit Noise and Vibration Impact Assessment Manual*. Figure 4-3.

³¹ For example, the applicant states in Section 4.3.1 of Appendix 4-13 that the noise model included reflections and shielding (to account for physical structures) and terrain elevations (to account for surface effects), yet the project area appears to be completely flat and has no physical structures between the project site and surrounding noise receptors.

In another example, the Staff Assessment cites the applicant's noise analysis to claim that the existing daytime ambient noise level at the nearest sensitive receptor (Rec01 located 90 feet north of the project boundary³²) is 52 dBA L_{eq} ³³; however, ambient noise levels were never recorded at location Rec01. In fact, Figure 4.13-1 provided in the application indicates that noise measurements were not collected on the parcel where Receptor Rec01 is located and were instead collected on other parcels to the west and southeast. In other words, there is arguably no baseline data for location Rec01; therefore, conclusions pertaining to operational noise impacts which are drawn for location Rec01 are arguably not supported by substantive, technical evidence.

SORT is also troubled by the Staff Assessment's conclusion that operational noise impacts are less than significant because the applicant estimates that unmitigated noise levels at the nearest residence will be 55 dBA L_{eq} ³⁴ (which happens to exactly match the daytime L_{eq} standard imposed by the Solano County General Plan). Apparently, the Staff Assessment simply plucked this 55 dBA noise level from table 4-8 of the Applicant's Appendix 4-13 even though it is not supported by any technical evidence. Worse yet, while the applicant incorporates a wall into the Corby project design to ensure Corby BESS operations comply with the applicable 55 dBA L_{eq} noise standard, the Staff Assessment *does not include the wall as a mitigation measure for the project!* While SORT does not necessarily agree that the wall configuration proposed by the applicant is appropriate³⁵, we do appreciate that the applicant recognizes that a wall is essential for ensuring that Corby BESS operations comply with local noise standards.

It is highly unusual for a Lead Agency to not include a concrete mitigation measure that the applicant proposes to ensure compliance with adopted thresholds of significance and it is even more unusual for the Lead Agency to not impose *any* concrete mitigation measures *even when the applicant recommends them*. Yet, that is precisely what the Staff Assessment does: instead of imposing a wall requirement to mitigate operational noise impacts identified by the applicant, the Staff Assessment instead imposes COC NOISE-4 which merely requires the applicant to "ensure that operation of the project will not exceed the nighttime Solano County Threshold of 60 dBA L_{eq} at Rec01 during the hours of 10:00 P.M. to 7:00 A.M."³⁶ There are many appalling aspects of this mitigation measure³⁷ not the least of which is that it incorrectly establishes a 60 dBA L_{eq}

³² Page 5.9-1.

³³ Page 5.9-14.

³⁴ Page 5.9-17.

³⁵ The applicant places the wall along the northern property boundary where it will have only limited effect. It should be placed just north of the BESS yard where it is nearest the noise source and thus has maximum effect.

³⁶ Mitigation measure COC NOISE 4 is described on page 5.9-23 of the Staff Assessment.

³⁷ For example, it requires the applicant to conduct a noise study at location Rec01 after the BESS yard is 85% complete, but does not require a followup noise study after the BESS yard is 100% complete. This is

nighttime threshold as the applicable noise standard when in fact the proper threshold is the daytime 55 dBA L_{eq} standard set forth in the General Plan. Moreover, because there is no substantial evidence in the record to support the Staff Assessment's supposition that Corby BESS operations will not exceed the 55 dBA L_{eq} standard, CEQA compels the Commission to conclude that Corby BESS operations will result in significant noise impacts and pursuant thereto, impose effective mitigation measures to ensure conformance with the 55 dBA L_{eq} standard. This means the applicant must be directed to construct a wall at the BESS yard and not at the northern property boundary.

SORT also challenges the conclusion set forth in the Staff Assessment that implementation of COC NOISE-4 to comply with a nighttime 60 dBA L_{eq} noise thresholds at Reco1 will ensure conformance with all Solano County noise standards. Our challenge is based on the fact that NOISE 4 does not demonstrably ensure compliance with the 70 dBA daytime L_{max} standard imposed by the General Plan which also applies to Corby BESS operations.

Another error noted in the Staff Assessment is found on page 5.9-17 where it concludes that the noise standard imposed by the Solano County Code is less stringent than the noise standards imposed by the Solano County General Plan. SORT respectfully disagrees. The Solano County General Plan establishes a maximum daytime noise level (L_{max}) of 70 dBA³⁸; conversely, the maximum property boundary noise level authorized by the Solano County Code is 65 dBA (L_{max}). Therefore, the 65 dBA L_{max} noise limit imposed by the County Code (which applies at all times during the day and night) is more stringent than the daytime 70 dBA L_{max} limit imposed by the General Plan.

The Staff Assessment does not consider whether Corby BESS operations will comply with the 65 dBA L_{max} limit established by the Solano County Code. Nonetheless, the applicant claims that Corby BESS operations will generate an average equivalent noise level at the eastern property boundary which just happens to be exactly 65 dBA L_{eq} ³⁹ (although no record evidence substantiates this claim). However, the 65 dBA claimed by the applicant is an *average* L_{eq} value; therefore, it does not suffice for the purpose of demonstrating compliance with the *maximum* 65 dBA L_{max} standard imposed by the Solano County Code. Moreover, because the 65 dBA claimed by the applicant is an *average* L_{eq} value which aggregates all noises resulting from Corby BESS operations, it

irresponsible because the noise generated by the Corby BESS at 100% buildout will be higher than at 85% buildout and will thus be the "worst case" scenario that should be assessed. Additionally, the noise testing should be done in winter to capture worst case operating conditions because noise impacts increase in cold weather (due to refraction).

³⁸ See Table HS-5 of the Solano County General Plan.

³⁹ According to Figure C-3 provided in Appendix 4-13 submitted by the Applicant, the operational noise level on the eastern property boundary is 65 dBA. This, like all other noise levels reported by the applicant, is an L_{eq} value.

suggests that Corby BESS operations will indeed result in noise levels that exceed 65 dBA at the eastern property boundary⁴⁰. In other words, not only does the applicant's projected 65 dBA L_{eq} noise level at the eastern property boundary **not** demonstrate compliance with the Solano County Code, it suggests that peak noise levels generated by Corby BESS operations will exceed 65 dBA and thus violate the Solano County Code. Such a violation constitutes a significant noise impact which can only be reduced by requiring a wall all around the Corby BESS yard; to ensure adequate mitigation, the wall must be around the BESS yard itself (which is in the middle of the property) and not along the property boundary.

Finally, SORT notes that the Staff Assessment does not appear to address the noise impacts that will result from the construction of proposed water well and tank facilities discussed in the "project description update" that was submitted into the Docket by the applicant on April 2, 2025⁴¹. According to Table 3.13-1 of the "project description update", well and tank construction activities will generate receptor noise levels exceeding 55 DBA L_{eq} and thus violate the Solano County General Plan.

THE EIR FAILS TO ADDRESS LOW FREQUENCY NOISE IMPACTS.

As SORT has pointed out in several OPT-IN dockets established by the Commission, BESS facilities (including inverters and transformers) are significant sources of low frequency noise. For example, the last page of Appendix 3-7 filed by the applicant in Docket 25-OPT-02 showed that BESS facilities generate peak low frequency noise levels of 96.9 dB (for the PCS) and 108 dB (for the transformer). And, as SORT has previously pointed out to the Commission, these are substantial noise insults that cannot be mitigated and will significantly affect all nearby residential uses⁴². To understand why this is, a brief discussion on noise frequency is in order:

Human response to sound 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). 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 sounds

⁴⁰ An average represents an aggregated middle (or mean) value of the mix of numbers that comprise a dataset; for an average value to be exactly 65, a significant portion of the numbers in the dataset would have to be higher than 65 and a significant portion would have to be lower than 65. The applicant did not provide modeling results or output files, so the mix of numbers that were aggregated to derive the average 65 dBA L_{eq} value is not in the record. Nonetheless, the nature of averages demonstrates that the highest operational noise levels at the eastern property boundary will exceed 65 dBA.

⁴¹ TN# 26255.

⁴² See for example page 44 of SORT comments filed on in the CEC docket established for the Prairie Song BESS (Docket 25-OPT-02)
<https://efiling.energy.ca.gov/GetDocument.aspx?tn=265680&DocumentContentId=102530>

of lower frequencies 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; this essentially suppresses the measurement of noise in the low frequency bands. These automatic adjustments are known as “A-scale weighting” and they approximate the frequency response of the average young ear when listening to ordinary sounds⁴³. In this manner, the judgement of the relative loudness of a sound correlates with the A-scale sound level of the sound. Because of this, noise standards and noise measurement methodologies are typically based on A-weighted sound levels (known as dBA).

Humans are substantially affected by low frequency sounds below 1,000 Hz even though these sounds are not fully perceived by the 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 the low frequency noise insults perceived by their body until the noise is curtailed, at which time an immediate sense of relief is experienced. Low frequency sound is often characterized as an “annoyance” because of the way it affects the human body. And, because adopted noise standards and noise reporting procedures are typically 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 publication further explains 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”⁴⁴. This is important because utility scale electrical facilities tend to generate significant low frequency noise that can be very disruptive to adjacent residential uses.

Notably, the significant low frequency noise that will be generated by the Corby BESS cannot be reduced or mitigated by surrounding the BESS yard with a wall; this is because low frequencies are not effectively attenuated by barriers⁴⁵. Accordingly, Corby BESS operations are likely to result in significant and unmitigable low frequency noise impacts due to the proximity of the BESS to nearby residential receptors. Nevertheless, the applicant failed to disclose any information pertaining to the low frequency noise

⁴³ The A-weighted filter suppresses measured sound pressure levels in low frequency bands (particularly below 500 hertz)

⁴⁴ Leventhall H. G. *Low frequency noise and annoyance*. Noise Health. 2004 Apr-Jun;6(23):59-72. A copy of this article can be provided upon request.

⁴⁵ Low frequency noise is “inherently difficult to shield with a barrier”. *2012 Federal Railway Administration High-Speed Ground Transportation Noise and Vibration Impact Assessment*. Page 4-17.

characteristics of the equipment proposed for the Corby BESS development. In fact, the noise data pertaining to BESS equipment operations that was submitted only reports A-weighted values⁴⁶ and omits noise profile data in the low frequency bands.

The EIR cannot perpetuate this substantial error and must address low frequency noise effects of the Corby BESS as the significant impact that it is. This is important because the Corby BESS is proposed for a noise sensitive residential area; thus, its low frequency noise impacts must be addressed. It would be different if the Corby BESS were located far from homes, but unfortunately it is not.

THE SIGNIFICANT NOISE IMPACTS RESULTING FROM THE PROPOSED CORBY PROJECT CAN BE REDUCED TO LESS THAN SIGNIFICANT BY SELECTING AN ALTERNATIVE LOCATION

Based on the information provided above, SORT concludes that noise impacts resulting from both Corby BESS construction and Corby BESS operation will be significant and cannot be mitigated to a level that is “Less than Significant”. Accordingly, the Commission is obligated by Section 21002 of the CEQA Statute to lessen the significant noise impacts of the Corby BESS through the adoption of a feasible alternative.

SORT notes that the Staff Assessment concludes that the Lambie Park alternative is feasible and will meet most project objectives; therefore, it must be approved in place of the proposed Corby BESS project if it can be demonstrated that the Lambie Park alternative results in fewer significant noise impacts.

SORT notes that existing uses in the vicinity of Lambie are not residential and are far from the actual Lambie Park site⁴⁷; therefore, the Lambie Park site is subject to significantly higher daytime noise standards and no nighttime noise standards under the Solano County General Plan⁴⁸. Accordingly, the Lambie Park location will result in far fewer noise impacts. In fact, the only potentially significant noise impact that could be posed by the Lambie Park alternative is that construction and operation it may not comply with the 65 dBA boundary line noise limit imposed by the Solano County Code. However, the construction of a solid wall around the BESS yard will likely reduce operational noise to less than 65 dBA at the property boundary; this means that the 65

⁴⁶ For example, the BESS noise model is based on the noise profile reported in Table 4-7 of Appendix 4-13 which only reports A-weighted values and thus omits all low frequency data. The same is true for the revised noise data submitted on January 30, 2026 after the applicant switched to a different BESS supplier [TN# 268433].

⁴⁷ A nursery supply business is operated two parcels to the west. Across Lambie Road to the south, a conservation camp is jointly operated by the California Department of Corrections and Rehabilitation and CAL FIRE; it has structures approximately 2,000 feet from the Lambie Park site.

⁴⁸ For example, Table HS-5 of the Solano County General Plan establishes that, for receiving land uses that are industrial, the applicable daytime limits are 60 dBA L_{eq} and 80 dBA L_{max} ; there are no nighttime noise standards.

dba property boundary standard would likely only be exceeded during project construction.

Because the Lambie Park alternative eliminates several of the significant noise impacts that will result from the proposed Corby BESS project, it is “Environmentally Superior” to the Corby BESS project; therefore, the Staff Assessment should be revised to articulate this fact.

CONCLUSION

SORT respectfully requests that the Commission consider the information provided above and revise the Staff Assessment to clarify that the proposed Corby BESS will result in multiple and significant noise impacts and that most of these significant noise impacts are eliminated with the Lambie Park alternative.

Respectfully submitted;

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