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**Comments on RB Inyokern Data Center â€™ Docket 26-SPPE-01 â€™
Undisclosed Peak-Day Water Demand and Incomplete Application**

Additional submitted attachment is included below.

RB Inyokern Data Center

Docket 26-SPPE-01

Supplemental Comment Regarding Unresolved Construction Emissions Assumptions and Backup Water Supply

I am submitting this supplemental comment following my earlier comment regarding peak-day and hot-season operational water demand.

Two subsequent portions of the Applicant's record raise additional questions that I believe should be resolved before the Commission relies on the current environmental analysis: the construction haul-distance assumption used in the revised air-quality analysis and the still-unverified capacity of the proposed emergency backup well.

1. The Applicant Has Not Explained How a 10.6-Mile Haul-Distance Assumption Is Conservative

CEC staff specifically identified construction haul distance as an issue in Data Request AQ-7.

Staff stated that construction would require haul trucks delivering equipment, surfacing materials, structural components, substation components, and other site improvements, and observed that:

“Haul truck travel distances to this site are likely to be substantially longer than the CalEEMod default trip length of 20 miles.”

TN 271129, DR AQ-7.

The Applicant's response does not appear to reconcile that concern.

The Applicant acknowledges that specific vendor and haul-truck trip counts are not presently known. It therefore uses CalEEMod default trip rates and estimates an average of 47.18 one-way vendor and haul trips per day during the first eight months of construction and 94.36 one-way trips per day during the remaining forty months.

For trip distance, however, the Applicant applies a 10.6-mile average one-way distance.

The Applicant states that 10.6 miles “reaches nearly everywhere in Ridgecrest” and “represents a conservative estimate for construction vendor and haul trips given the project's remote Mojave Desert location.” It further states that these assumptions are conservative on an average daily basis.

TN 271129, DR AQ-7.

I am not asserting that use of the 10.6-mile assumption necessarily causes the project to exceed an applicable air-quality threshold. The present record does not give me enough information to make that determination.

The narrower issue is that I cannot reconcile the Applicant's characterization of 10.6 miles as conservative with CEC staff's express determination that actual haul distances to this site are likely to be substantially longer than the 20-mile CalEEMod default.

That discrepancy is particularly relevant because DR AQ-7 concerns deliveries of major construction materials and equipment, including structural components, substation equipment, generator sets, and surfacing materials. These are not necessarily materials that would originate in Ridgecrest merely because Ridgecrest lies within approximately 10.6 miles of the project.

I therefore request that CEC staff require the Applicant to:

1. Identify the expected origin or reasonable sourcing region for major construction materials and equipment used in the AQ-7 analysis.
2. Explain the factual basis for characterizing a 10.6-mile one-way distance as conservative after staff specifically concluded that haul distances were likely to exceed the 20-mile CalEEMod default.
3. Demonstrate whether the combination of assumed trip frequency and assumed trip distance produces a conservative emissions estimate even if the 10.6-mile distance itself does not.
4. Revise the construction emissions analysis if the assumed haul distance cannot be supported by substantial evidence in the record.

This would allow staff and the public to determine whether the revised AQIA actually responds to the concern raised in DR AQ-7 rather than simply replacing one default assumption with another.

2. The Proposed Backup Well Remains a Planning-Level Assumption Rather Than a Verified Water Source

The Applicant has now supplemented the record concerning its proposed emergency backup well.

Appendix E.5, filed July 28, 2026 as TN 271675, estimates that the proposed well should ideally be capable of providing approximately 45 to 50 gallons per minute for an extended emergency period.

That filing is useful and should be acknowledged.

It does not, however, establish that the proposed well can actually provide that quantity of water at the project site.

The Applicant's consultant expressly states that no water well presently exists on the subject property and that the proposed well has not been verified through site-specific hydrogeologic evaluation, exploratory drilling, geologic logging, water-quality sampling, well development, or pump testing.

The memorandum characterizes its own analysis as a "planning-level assessment based on available regional and nearby well data, not as a final design-level well capacity analysis."

TN 271675, Appendix E.5.

The memorandum relies principally on nearby wells, including deeper public-supply wells reporting yields substantially greater than the project's estimated 45 to 50 gpm requirement. From those surrounding wells, the consultant concludes that the proposed well is likely to satisfy the project's projected yield.

Again, I am not asserting that the well will fail.

My concern is more basic.

The project presently relies upon an emergency backup water source that does not yet exist, at a location where no site-specific drilling or pump testing has established the actual aquifer conditions or sustainable yield available to that proposed well.

The memorandum itself states that final well depth, casing design, screened interval, pump size, pumping capacity, and reliable yield must still be confirmed through site-specific investigation, drilling, well development, and testing.

Those final results are to be submitted to the Commission later.

Accordingly, I respectfully request that the Commission distinguish between:

a planning-level conclusion that a productive well appears technically feasible based on surrounding wells, and a demonstrated finding that the specific proposed project well can reliably provide the backup supply attributed to it in the environmental analysis.

If the backup well is material to the Commission's conclusion regarding water-supply reliability or environmental impacts, I request that site-specific well testing be completed and docketed

before the Commission relies upon that source in making its final findings.

3. Construction Water-Truck Activity Should Be Clarified, Not Presumed Deficient

I also request clarification regarding DR AQ-6.

The Applicant states that average construction water demand is approximately 7,000 to 8,000 gallons per day, while peak daily demand may reach approximately 25,000 gallons per day.

For purposes of the AQIA, the Applicant assumes approximately three 4,000-gallon truckloads per day, or approximately 12,000 gallons average.

TN 271129, DR AQ-6.

I recognize that this may be an average-day modeling assumption rather than an assertion that only three water-truck deliveries could occur on the highest-demand construction day. The Applicant also states that additional water-truck emissions during the first eight months of construction were modeled as an off-highway truck operating eight hours per day.

For that reason, I am not asserting that the current model necessarily understates construction emissions.

I request only that staff confirm whether the revised AQIA evaluates the truck activity associated with the Applicant's stated 25,000-gallon maximum construction-water day, or explain how the existing vendor-trip and off-highway-truck assumptions adequately encompass that peak condition.

4. The Commission Should Resolve Material Project Assumptions Before Relying Upon Them

California courts have long recognized that meaningful environmental review requires a sufficiently definite project description.

County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185 explains that an accurate, stable, and finite project description is fundamental to an informative environmental review.

That principle does not require every construction drawing, equipment specification, or permit to be complete before environmental review can proceed.

Nor am I asking the Commission to impose that standard here.

The distinction is between ordinary design refinement and an unresolved assumption that materially determines the environmental impact being analyzed.

The haul-distance issue concerns an input directly used to calculate construction emissions.

The backup-well issue concerns whether a water source relied upon for project redundancy actually exists and can provide the claimed capacity at this location.

Both can be resolved through additional factual development without requiring the project to reach final construction design.

With respect to water supply, *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412 recognizes that environmental review does not require absolute certainty that every future water source already exist. It does, however, require meaningful disclosure and analysis of the uncertainty surrounding future supply.

That is the distinction I ask the Commission to apply here.

Requested Action

I respectfully request that CEC staff:

1. Require the Applicant to reconcile the 10.6-mile haul-distance assumption with staff's statement that actual haul distances are likely to substantially exceed the 20-mile CalEEMod default.
2. Require sufficient documentation of expected construction-material and equipment origins, or another technical basis, to determine whether the revised haul-trip emissions assumptions are reasonably conservative.
3. Treat TN 271675 as a preliminary feasibility assessment of the proposed backup well rather than confirmation of actual site-specific well yield.
4. Require site-specific well drilling and pump-testing information before relying materially on the proposed well as a demonstrated backup water source in the Commission's final environmental findings.
5. Clarify whether the revised AQIA accounts for truck activity associated with the Applicant's stated maximum construction-water demand of approximately 25,000 gallons per day.

I appreciate the Applicant's continued supplementation of the record and CEC staff's detailed data requests. These questions are intended to distinguish matters that have now been supported by evidence from those that remain dependent upon assumptions or future verification.

Thank you for your consideration.

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