

DOCKETED

Docket Number:	24-OPT-05
Project Title:	Corby Battery Energy Storage System Project
TN #:	272340
Document Title:	Comment Letter re Corby Battery Energy Storage System
Description:	Comment letter submitted by Jackson Minasian on behalf of Solano Irrigation District
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Organization:	Minasian Law, LLP
Submitter Role:	Public Agency
Submission Date:	9/4/2026 11:45:21 AM
Docketed Date:	9/4/2026



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September 4, 2026

California Energy Commission
Docket Unit, MS-4
Docket No. 24-OPT-05
715 P Street
Sacramento, California 95814
docket@energy.ca.gov

Re: Corby Battery Energy Storage System Project

Ladies and Gentlemen,

We submit this comment letter on behalf of Solano Irrigation District (“SID”) regarding the Corby-Nexterra battery storage project (“Project”) under consideration at the California Energy Commission and which is at issue in the Staff Assessment released on or about July 15, 2026. As explained in our comment letter dated November 19, 2025, SID supplies water throughout Solano County for both agricultural and municipal purposes, and SID owns and operates an extensive water supply and distribution system. A copy of our November 19, 2025 comment letter is attached hereto and incorporated herein and if set forth in full.

The Project includes a proposed Route Option 1 that would require encroachment and crossing of SID’s real property and canal, including underground boring a gen-tie line beneath SID’s canal near Kilkenny Road using horizontal directional drilling (HDD), and a PG&E crossing of SID’s canal adjacent to Interstate 80. SID objects to and opposes the Project’s encroachment and crossing of SID’s property and facilities, and the Project cannot be approved as proposed. Indeed, the Staff Report acknowledges that the applicant lacks an easement or any other form of right to enter or cross SID’s real property and facilities for the Project, both for the PG&E crossing over SID’s canal, and the proposed Route Option 1 which would require that the

applicant obtain an easement or other form of right to cross under SID's canal. (Project Description 3-41.) SID has not consented to or authorized Corby-Nexterra, PG&E, or any other party to install improvements across SID facilities and real property. SID has not even authorized their access onto SID property. As explained in the November 19, 2025 comment letter, SID and the applicant were unable to reach an agreement authorizing the Project to cross SID's property and facilities, there are no pending negotiations, and the applicant does not have a right to develop the Project. Until and unless SID agrees to allow the Project's facilities to encroach on SID's property and facilities, the Project will not be constructed as proposed and described in the Staff Assessment. It is unreasonable and inaccurate for the California Energy Commission to evaluate and potentially approve the Project based on encroachments and crossings of SID's property and canals that Corby-Nexterra and PG&E lack the right to construct.

Section 3.6.2 of the Staff Report states that irrigation water would be supplied by SID, an onsite groundwater well, or water trucks filled at other locations within SID's distribution system. SID does not provide water for water trucks or for construction purposes unless special authorization is provided in SID's sole and exclusive discretion and sufficient water is available. If the Project intends to rely on groundwater, the Staff Assessment must accurately evaluate potential impacts to nearby wells and the groundwater aquifer.

The Staff Report also fails to adequately analyze the risk that a fire or other disaster event at the Project poses to SID and to Solano County farmland. SID delivers irrigation water to farmland throughout the County, and its canal and nearby facilities could be damaged by a Project-related fire or other accident. Such a disaster could disrupt SID's water operations, require suspension of water deliveries, and jeopardize water supplies to farmland well beyond the Project's immediate vicinity. The applicant would be liable for any resulting damage to SID

and to Solano County landowners and farmers. The Staff Assessment must address this risk and make clear that the applicant will be responsible for all potential injuries and damages associated with the Project, including without limitation water supply interruptions and crop losses.

Finally, interested parties have asserted that the Staff Assessment materially misstates the Project's contamination risks, including the potential for lithium or aluminum contamination if a Project-related fire or accident occurs. SID requests that the California Energy Commission conduct further evaluation of the Project's potential contamination impacts and ensure that the Project will not adversely impact soil quality, agricultural activities, air quality, groundwater, SID's facilities, or SID's water deliveries.

Very truly yours,

MINASIAN LAW

By: /s/ Jackson A. Minasian
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November 19, 2025

California Energy Commission
Docket Unit, MS-4
Docket No. 24-OPT-05
715 P Street
Sacramento, California 95814
docket@energy.ca.gov

Re: Corby Battery Energy Storage System Project

Ladies and Gentlemen,

We submit this comment letter on behalf of Solano Irrigation District (“SID”) regarding the Corby-Nexterra battery storage project (“Project”) under consideration at the California Energy Commission. SID supplies water throughout Solano County for both agricultural and municipal purposes, and SID owns and operates an extensive water supply and distribution system.

The proposed Project includes a “gen-tie” transmission line that intersects and crosses SID canals and real property through both Underground Route Option #1 and Underground Route Option #2 described and depicted in the Project’s Notice of Preparation. SID has significant concerns with the proposed Project, particularly the proposed gen-tie transmission line intersecting and crossing SID real property and canals. SID has not consented to or authorized Corby-Nexterra or any other party to install improvements across SID facilities and real property. Indeed, SID has not even authorized Corby-Nexterra to enter SID real property. Yet, the Notice of Preparation inaccurately assumes and asserts that the Project gen-tie line will cross SID facilities and real property.

In order to accurately assess the environmental impacts of the Project in compliance with CEQA, and in order to comply with provisions of Public Resources Code sections 25545-25545.13, the CEC must accurately represent and analyze the location of the Project's gen-tie transmission line. Absent a future agreement between SID and Corby-Nexterra, the transmission line will not be located in the areas depicted in the Notice of Preparation, and the Environmental Impact Report and proposed CEC certification of the Project must disclose and analyze this. SID requests that the Environmental Impact Report expressly disclose that Corby-Nexterra does not have the right to construct and operate transmission facilities across SID real property and canals for the Project, that an agreement from SID will be required before Corby-Nexterra can construct the Project as proposed and before the Project's gen-tie transmission line can enter and cross SID real property interests and facilities, and if Corby-Nexterra and SID do not enter into such a written agreement, then the Project will not be constructed as proposed.

The construction of the Project's transmission lines across SID real property and water conveyance facilities creates operational, environmental, and other complexities that require extensive coordination and planning. To that end, in 2024 Corby-Nexterra and SID worked on a proposed easement and access agreement which would have authorized Corby-Nexterra to install and operate transmission facilities across SID real property and canals for the Project. The negotiations were unsuccessful, and SID staff informed Corby-Nexterra that the Parties were too far apart and that SID was terminating negotiations on the written agreement. Corby-Nexterra has never obtained a written agreement from SID authorizing the facilities needed for the Project. Therefore Corby-Nexterra does not have the right to develop the project as represented in the scoping documents, and it is unreasonable and inaccurate for the California Energy

Commission to be evaluating the project based on transmission lines that Corby-Nexterra lacks the right to construct and which Corby-Nexterra has failed to obtain from SID.

The Environmental Impact Report should also assess the environmental impacts associated with the project, particularly as to drainage impacts and interruptions to SID water deliveries or damage to SID facilities from the Project. It is unclear how drainage discharges will be managed and controlled from the Project. While the Notice of Preparation of an EIR mentions stormwater ponds, it is unclear if discharges will leave the Project site, and if so, where they will go. SID facilities are not available to accept drainage water from the Project, either directly or indirectly, and the EIR should confirm that no drainage water from the Project will enter SID facilities. The Notice of Preparation of an EIR also states that the Project may use up to 30-acre feet of groundwater annually during construction and 2 acre-feet per year for the first five years of operations. Impacts to nearby groundwater wells and to the groundwater aquifer must be analyzed in the EIR, and the quality of the groundwater should be addressed in the EIR. For example, some areas within Solano County have experienced high chromium levels in groundwater, causing wells to be decommissioned. The EIR should analyze any impacts associated with the quality of the groundwater pumped at the Project, and any mitigation measures required to control poor quality water both during and after construction of the Project.

Please do not hesitate to contact our office with any questions or concerns.

Very truly yours,

MINASIAN LAW

By: /s/ Jackson A Minasian
JACKSON A. MINASIAN