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*Comment Received From: Sarah Dunn
Submitted On: 9/8/2026
Docket Number: 24-OPT-05*

Critical CEQA Adequacy Deficiencies Regarding Groundwater Resources (Section 5.16)

Please see attached

Additional submitted attachment is included below.

To:

California Energy Commission

Docket Unit, MS-4

Re: Docket No. 24-OPT-05 (Corby Battery Energy Storage System Project)

715 P Street

Sacramento, CA 95814

(Submitted electronically via CEC e-Commenting System)

Subject: Public Comment on the Corby Battery Energy Storage System (BESS) Project (Docket No. 24-OPT-05) – Critical CEQA Adequacy Deficiencies Regarding Groundwater Resources (Section 5.16)

Dear California Energy Commission and Commission Staff,

I am writing to submit formal public comments regarding the Staff Assessment / Draft Environmental Impact Report (DEIR) for the proposed Corby Battery Energy Storage System (BESS) Project (Docket No. 24-OPT-05). Specifically, Section 5.16 (Water Resources) contains significant legal, procedural, and technical flaws regarding groundwater analysis, baseline identification, and mitigation enforceability.

Because these deficiencies conceal critical data and fail to provide legally binding protections for neighboring well owners, the document fails to satisfy the requirements of the California Environmental Quality Act (CEQA). I urge the Commission to address and correct the following specific concerns prior to any further consideration of project certification:

1. Prejudicial Failure of Disclosure: Concealment of Localized Groundwater Study

- **Reference:** Section 5.16 (Water Resources), pp. 5.16-4, 5.16-10; Data Adequacy Worksheet (TN 260568).
- **Issue:** The applicant submitted a localized groundwater model prepared by a professional geologist estimating well drawdown at neighboring wells within a half-mile radius. Commission staff officially marked this study as "complete" in its December 2024 Data Adequacy Worksheet (TN 260568). However, Section 5.16 never cites, summarizes, or incorporates this localized study, relying instead on a broad, basin-wide ratio comparing project demand to a 180,000 acre-foot annual basin capacity.

- **Impact:** The public and decision-makers are being asked to accept a "Less Than Significant" impact determination based on a localized well study that the environmental document completely conceals. This omission prevents informed public review and constitutes a prejudicial failure to disclose under CEQA.

2. Unenforceable Mitigation: Well Separation Distance Omitted from Conditions

- **Reference:** Section 5.16 (Water Resources); Section 2 (Project Description), p. 2-1.
- **Issue:** The primary fact relied upon to mitigate well interference, placing the proposed groundwater well at least 1,000 feet from neighboring supply wells, appears strictly in the narrative project description. The corresponding Condition of Certification merely directs the well to be placed "adjacent to the proposed O&M facility" without mandating or enforcing the 1,000-foot buffer.
- **Impact:** The single factual mechanism relied upon to prevent well interference is legally unenforceable because it was omitted from the binding Conditions of Certification. Narrative assertions in a project description do not constitute enforceable mitigation under CEQA.

3. Unmitigated and Unanalyzed Construction Water Demand

- **Reference:** Section 5.16 (Water Resources – Water Supply Conditions).
- **Issue:** The primary water-related Condition of Certification is triggered only by "operational water supply" (estimated at 2 acre-feet per year) and sets no binding volume limit itself. It entirely fails to govern or condition the temporary construction phase, which requires 30 acre-feet—a demand fifteen times larger than annual operational needs.
- **Impact:** Commission staff improperly relies on an operational condition to address a temporary construction drawdown that is drastically larger, without tying the construction well location to the hydrogeologic modeling or making a binding non-interference finding for construction activities.

4. Reliance on Terminated Legal and Regulatory Protections

- **Reference:** Section 5.16 (Water Resources – Regulatory Framework); Executive Orders N-7-22 and N-3-24.
- **Issue:** The regulatory framework in Section 5.16 cites Executive Order N-7-22—which restricted well permits absent a finding of non-interference with nearby wells, as a protective regulatory layer. ***However, Executive Order N-3-24 explicitly rescinded and terminated this requirement statewide on September 5, 2024.***

- **Impact:** The report relies on a defunct executive order to assert regulatory protection against well interference, creating a complete regulatory void and leaving neighboring well owners without the cited legal protections.

5. Absence of Well Interference Standards in Local Permitting Process

- **Reference:** Section 2 (Project Description), p. 2-1; Section 5.16 (Water Resources).
- **Issue:** While Section 2 notes that the CEC certificate is issued "in lieu of" local permits, the proposed water condition instructs the applicant to apply for a well permit through Solano County. However, the Solano County Code for well construction only requires a plot plan and standard horizontal setbacks; it does not mandate a well interference analysis or drawdown evaluation.
- **Impact:** Neither the CEC's proposed conditions nor the local Solano County permitting framework mandates a formal showing or finding of non-interference. As a result, neighboring domestic and agricultural supply wells remain unprotected regardless of which entity holds permitting authority.

6. Erroneous Subbasin Identification and Baseline Setting

- **Reference:** Section 5.16 (Water Resources), pp. 5.16-4, 5.16-10.
- **Issue:** The chapter's applicability section evaluates the project site under the "Westland Subbasin" and classifies it as a "high priority" basin—a designation that appears nowhere else in the administrative record. Elsewhere, the chapter correctly identifies the site as part of the Solano Subbasin, which is a "medium priority" basin under the Sustainable Groundwater Management Act (SGMA).
- **Impact:** Misidentifying the underlying groundwater basin and its regulatory priority status undermines the factual foundation and baseline environmental setting necessary to accurately assess water supply and sustainability impacts.

Conclusion & Requested Actions

Due to these significant omissions, unenforceable conditions, and baseline errors, the current environmental analysis fails to comply with CEQA disclosure standards. I respectfully request that the California Energy Commission:

1. Formally incorporate and publish the hidden localized groundwater study (TN 260568) for public review.
2. Re-evaluate construction water supply impacts (30 acre-feet) under a binding, site-specific interference analysis.

3. Modify the Conditions of Certification to explicitly enforce the 1,000-foot well setback requirement and establish clear non-interference standards.
4. Correct the baseline hydrogeologic descriptions and regulatory framework to reflect current state executive orders and local permitting realities.

Thank you for your consideration of these critical comments.

Sincerely,

Sarah Dunn

Vacaville Resident