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**Comments on Staff Assessment Section 5-13 Transmission Line
Safety and Nuisance**

See Attached Comment Letter

Additional submitted attachment is included below.

BEFORE THE CALIFORNIA ENERGY COMMISSION
CORBY BATTERY ENERGY STORAGE SYSTEM PROJECT
Docket No. 24-OPT-05

PUBLIC COMMENTS AND LEGAL OBJECTIONS TO
SECTION 5.13 – TRANSMISSION LINE SAFETY AND NUISANCE

I. Executive Summary and Legal Objections

Section 5.13 concludes that the Corby Project’s transmission-line safety and nuisance impacts would be either less than significant, less than significant with mitigation incorporated, or—regarding radio-frequency interference—no impact. Those conclusions are not supported by a sufficiently site-specific evidentiary record. Staff’s own methodology states that if the Project complies with applicable Laws, Ordinances, Regulations, and Standards (LORS), Staff concludes that transmission-line safety and nuisance impacts would be less than significant. That approach places regulatory compliance at the center of the significance determination rather than first evaluating the actual physical conditions and effects of this particular 230-kV gen-tie.

The record contains several project-specific conditions that require analysis beyond generalized LORS compliance. The Project proposes a 1.1-mile, 230-kV gen-tie with both underground and overhead portions and overhead structures approximately 90 to 130 feet high. The overhead alignment crosses an active agricultural landscape. Existing agricultural aircraft operations have been personally observed in the immediate area, including repeated north-south passes and aerial fungicide application near the area where the gen-tie transitions from underground to overhead. Staff’s aviation discussion, however, focuses principally on the FAA 200-foot notification threshold and distance to Nut Tree Airport.

Section 5.13 also acknowledges that corona discharge can cause radio/television interference and audible noise, particularly in wet weather, yet Staff does not provide site-specific RFI measurements, wet-weather noise measurements, or a receptor-specific analysis for the gen-tie corridor. For EMF, Staff expressly relies on future field-strength measurements required by COC TLSN-4 to document the actual contribution of the Project after design assumptions have been made.

Finally, Staff expressly identifies the proposed Vaca Dixon Power Center as a nearby BESS project in its cumulative analysis, but disposes of the combined effects in essentially one conclusion: GO-95 compliance would ensure that the two projects would not cause significant cumulative transmission-line safety or nuisance impacts. The Vaca Dixon project itself proposes substantial new overhead electrical infrastructure serving the same Vaca-Dixon Substation area. Section 5.13 does not analyze the combined physical effects of that concentration of transmission infrastructure.

For these reasons, the Commission should not adopt the proposed Section 5.13 findings on the present record. Staff should revise the analysis to address actual site conditions, existing agricultural aviation, receptor-specific noise/RFI/EMF conditions, the feasibility of additional undergrounding, and the combined effects of the Corby and Vaca Dixon transmission facilities.

II. Standard of Review and the Need for Site-Specific Evidence

CEQA requires environmental conclusions to be supported by substantial evidence and requires the agency to disclose the analytic route between the evidence and its significance determination. Regulatory standards may be relevant evidence, but compliance with a regulatory threshold does not automatically foreclose consideration of evidence showing a potentially significant physical effect. *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714 is instructive: compliance with an existing noise

ordinance did not itself resolve the CEQA significance inquiry where evidence supported a potentially significant increase over ambient conditions.

The same principle matters here. Section 5.13 should not ask only whether the proposed facilities can be designed to comply with GO-95, GO-128, FAA notice criteria, grounding standards, or other LORS. It must also ask what physical effects the proposed facilities may cause in the actual environment through which they will pass. The distinction is especially important where the Staff Assessment itself identifies mitigation Conditions of Certification (COCs) for aviation, fire, shock, and EMF.

III. Staff's Methodology Improperly Elevates LORS Compliance Over Environmental Analysis

Section 5.13.2.1 states that the LORS and practices in Table 5.13-1 have been established to maintain impacts below potential environmental significance and that, if Staff determines the Project would comply with applicable LORS, Staff concludes that transmission-line safety and nuisance impacts would be less than significant. This methodology risks turning compliance into the significance determination itself.

That is particularly problematic because several of Staff's conclusions depend not simply on existing regulations but on project-specific COCs. Fire hazards are found less than significant with TLSN-1 and TLSN-2; hazardous and nuisance shock rely on TLSN-1 and TLSN-3; aviation relies on TLSN-5; and EMF relies in part on TLSN-4. If these measures are necessary to support a less-than-significant conclusion, the record should explain the physical impact being mitigated, the performance standard to be achieved, and why the measure will reduce the impact to the stated level.

Lotus v. Department of Transportation (2014) 223 Cal.App.4th 645 cautions against using measures that function as mitigation to define away an environmental impact before the impact itself has been properly identified and evaluated. Similarly, Sundstrom v. County of Mendocino (1988) 202 Cal.App.3d 296 rejects postponing environmental analysis to future studies where the information is necessary to determine the project's environmental consequences. These principles are relevant where Section 5.13 relies on future confirmation, inspection, or measurement rather than presenting the site-specific evidence supporting the significance conclusion now.

V. Staff's Characterization of the TLSN Conditions Is Internally Inconsistent

Staff's significance table classifies aviation safety, fire hazard, hazardous shock, nuisance shock, and public health as "Less Than Significant With Mitigation Incorporated." Staff's individual analyses likewise rely upon Conditions of Certification TLSN-1 through TLSN-5 to support those findings. Yet Section 5.13.6 concludes: "There are no recommended mitigation measures for transmission line safety and nuisance."

The Commission should reconcile those statements. If TLSN-1 through TLSN-5 are necessary to reduce potentially significant effects to less-than-significant levels, they are functioning as mitigation and the Staff Assessment should identify the underlying impacts and explain how the measures reduce them. If they are not mitigation, Staff should explain why the significance table repeatedly characterizes the impacts as "Less Than Significant With Mitigation Incorporated."

This inconsistency reinforces the concern identified above: the Staff Assessment appears to use the Conditions of Certification as part of the significance determination itself rather than first identifying the environmental effect and then demonstrating how a measure reduces that effect.

V. Aviation Safety – Existing Agricultural Aviation Was Not Evaluated

Staff concludes that the transmission line would have a less-than-significant aviation impact. The analysis focuses on FAA notification criteria, the fact that the proposed structures would not reach 200 feet, Nut Tree Airport approximately 2.9 miles from the Project site, and Travis Air Force Base approximately 8.5 miles away. Staff then concludes, with COC TLSN-5, that the transmission lines would not pose a collision risk to aviation or aircraft.

That analysis does not address an existing aviation use occurring in the agricultural area through which the gen-tie would pass. I have lived on Kilkenny Road since 1990 and have personally observed agricultural aircraft operating over farmland along Kilkenny Road during spring agricultural operations. I have observed an aircraft making repeated north-south passes while a flagman moved along Kilkenny Road in connection with the operation. I do not know what material was being applied during those particular operations and therefore do not represent whether it was fertilizer, pesticide, or another agricultural product.

I have also personally observed aircraft applying fungicide to the almond orchard immediately east of the hay field. This is particularly relevant because that agricultural area is near the portion of the proposed gen-tie alignment where the transmission line transitions from underground to overhead. The almond orchard extends around my property to the east, west, and south. The north side of Kilkenny Road along the gen-tie area is occupied by a prune orchard, while a hay field lies on the south side of Kilkenny Road.

These are not hypothetical aviation activities. They are existing agricultural operations personally observed in the immediate Project vicinity. The proposed 230-kV gen-tie would introduce overhead conductors supported by structures approximately 90 to 130 feet high into this agricultural environment. Depending on the precise placement of the transition structure, poles, and suspended conductors, the overhead line could interfere with existing north-south agricultural flight operations or require those operations to be altered.

This existing agricultural aviation is also part of the agricultural character and agricultural operations of the Elmira/Maine Prairie region. As discussed in my separate General Plan comments, Policy AG.P-28 specifically identifies Elmira/Maine Prairie as an area where agriculture is to remain the predominant land use, preservation efforts should be focused, and conflicting land uses avoided. The significance of the agricultural-aircraft issue therefore extends beyond aviation safety alone. The proposed overhead gen-tie could interfere with an existing agricultural practice in an area specifically identified by the County for continued agricultural use.

Staff's reliance on the FAA 200-foot threshold does not answer this site-specific issue. A notification threshold is not itself evidence that a 90- to 130-foot structure and its suspended conductors pose no collision hazard to aircraft intentionally operating at low altitude for agricultural purposes. Nor does the distance to Nut Tree Airport answer that question.

Before adopting the conclusion that the gen-tie would not pose a collision risk, Staff should determine whether agricultural aviation occurs along or across the proposed corridor; identify the location and orientation of those operations in relation to the underground-to-overhead transition point and overhead conductors; and evaluate whether the new line would interfere with or increase hazards associated with that existing agricultural use.

VI. Radio-Frequency Interference – Staff Acknowledges the Mechanism but Does Not Quantify the Site-Specific Effect

Section 5.13 explains that corona discharge can produce radio noise and can result in radio and television reception interference, audible noise, light, and ozone production. Staff also acknowledges that interference depends on line voltage, distance to the receiving device, antenna orientation, signal level, line configuration, and weather conditions.

Despite identifying those site-specific variables, Staff does not provide a receptor inventory, field measurements, or a quantitative analysis for the proposed 230-kV alignment. Instead, Staff reasons that the surrounding land is largely unbuilt, that the line is not proposed immediately above inhabited areas, and that corona-related complaints are not expected. That is an expectation, not a demonstration of the actual interference conditions along the route.

Where Staff itself identifies distance, orientation, signal level, configuration, and weather as controlling variables, the significance determination should be tied to those variables as they actually exist along the proposed corridor. The absence of that analysis weakens the conclusion of no impact.

VII. Audible Noise – Wet-Weather Corona and the Rural Ambient Environment Require Site-Specific Analysis

Staff acknowledges that audible transmission-line noise may be perceived as crackling, frying, hissing, or humming and is especially noticeable in wet weather. Staff then relies on research indicating that fair-weather noise from modern transmission lines is generally indistinguishable from background noise at 100 feet or more, and states that audible noise from a 230-kV line would be of the same magnitude before and after the Project because line voltage remains nearly constant.

This does not directly answer the relevant site-specific question. The gen-tie would be introduced into a rural agricultural environment with relatively low ambient noise. Staff's own discussion identifies wet weather as the condition in which corona noise becomes more perceptible, yet the analysis does not provide a wet-weather noise estimate at the nearest sensitive locations along the gen-tie corridor.

Keep Our Mountains Quiet is particularly relevant to this issue. A regulatory or planning noise standard does not, by itself, establish that a project-related increase over existing ambient conditions is insignificant. Staff should disclose the expected audible-noise level of the proposed line under the conditions most likely to make corona audible and compare that level to the actual rural ambient environment and nearest receptors.

VIII. Fire Hazard – LORS Compliance Does Not Replace Evaluation of the Agricultural Setting

Staff finds fire hazard less than significant with mitigation incorporated, relying on TLSN-1 and TLSN-2, GO-95 clearances, and California fire-prevention standards. Staff identifies the relevant fire mechanisms as sparks from overhead conductors and direct contact between the line and nearby trees or other combustible objects.

That description makes the existing agricultural setting directly relevant. Portions of the proposed overhead alignment pass through or adjacent to orchards and agricultural fields. Staff should evaluate the actual vegetation, agricultural operations, seasonal fuel conditions, wind exposure, and relationship between conductors and orchard canopy rather than relying principally on compliance with clearance standards.

Undergrounding is also directly relevant to this impact mechanism because an underground segment would avoid overhead conductor-to-vegetation contact and other ignition mechanisms unique to exposed overhead conductors. If Staff concludes that undergrounding is not feasible for additional portions of the route, the record should identify the engineering, operational, and economic evidence supporting that conclusion.

IX. Hazardous and Nuisance Shock – Future Compliance Confirmations Do Not Supply the Missing Site-Specific Analysis

Staff finds hazardous and nuisance shock less than significant with mitigation incorporated. The analysis relies heavily on GO-95, NESC/ANSI/IEEE grounding practices, fencing, and COC TLSN-3. Table 5.13-1 further states that the applicant would assess soil resistivity for the substation, switchyard sites, and transmission-line path.

Those measures may ultimately be appropriate, but the significance determination should explain the site-specific conditions to which they will be applied. If soil resistivity, grounding design, permanent metallic objects, or public accessibility are relevant to shock risk, the record should disclose the information available for the actual route and the performance standards that the final design must meet.

X. Public Health and EMF – Staff Relies on Future Measurements to Validate Present Assumptions

Staff concludes that public-health impacts from EMF would be less than significant with mitigation incorporated. It states that no receptors adjacent to Project components are known to result in EMF exposure and that public access would be restricted. Staff also lists design measures intended to minimize field strength.

However, Section 5.13 then states that actual field strengths and the Project's contribution to area field exposure would be documented through the field-strength measurements required by TLSN-4. TLSN-4 requires measurements at the right-of-way edge before and after energizing and permits completion no later than six months after operations begin.

That sequence deserves scrutiny. If actual field-strength measurements are necessary to assess the applicant's assumed field-reduction efficiency and document the Project's contribution to area exposure, Staff should explain what pre-approval modeling or other substantial evidence establishes the less-than-significant finding before those measurements exist. The issue is not an assertion that EMF is necessarily harmful; it is whether the record contains the site-specific evidence Staff relies upon for its present significance conclusion.

XI. Undergrounding Must Be Evaluated as a Concrete Impact-Reduction Measure

The Project already demonstrates that underground construction of this 230-kV gen-tie is technically possible for portions of the route. Staff's project description identifies two underground route options, including concrete duct-bank construction and horizontal directional drilling/direct burial. The relevant question is therefore not whether 230-kV undergrounding is possible in the abstract, but whether extending the underground segment farther along this particular corridor is feasible and would avoid or reduce identified effects.

This issue should also be considered together with the Staff Assessment's Alternatives analysis: if additional undergrounding would avoid or substantially reduce aviation, fire, noise, and visual effects, its feasibility is relevant both as mitigation and as a project-design alternative.

Additional undergrounding could directly address several overlapping effects of the overhead configuration: it could remove poles and suspended conductors from the agricultural aviation environment; eliminate overhead corona noise from the undergrounded segment; avoid certain overhead conductor/vegetation ignition mechanisms; and reduce the additional visual and structural intrusion of the gen-tie. Undergrounding does not eliminate magnetic fields, and these comments do not claim otherwise.

The agricultural-aviation evidence makes the underground-to-overhead transition location especially important. If existing north-south agricultural flight operations occur near that transition area, Staff should evaluate whether moving the transition point farther north or extending underground construction toward the I-80 crossing would avoid or materially reduce the potential conflict.

CEQA Guidelines section 15126.4 requires consideration of feasible measures capable of minimizing significant environmental effects. If Staff or the applicant rejects additional undergrounding as economically, technologically, or operationally infeasible, that conclusion should be supported by concrete engineering and cost information applicable to this route rather than generalized assertions about underground transmission expense.

XII. Cumulative Impacts – Corby and the Vaca Dixon Power Center Cannot Be Treated as Isolated Transmission Projects

Section 5.13 expressly identifies the proposed Vaca Dixon Power Center as a nearby BESS project. Staff nevertheless concludes that GO-95 requirements would ensure that cumulatively the two projects would not

cause significant transmission-line safety or nuisance impacts. That conclusion does not disclose an analysis of the combined physical effects of the two projects.

The Vaca Dixon Power Center Project (CEC Docket 26-OPT-01), currently under CEC review, proposes two BESS facilities totaling 157 MW / 457 MWh. According to the CEC's project description, the Vaca Dixon BESS would connect through a new 13.8-kV overhead line, and the Arges BESS would connect through an approximately 2,350-foot 115-kV overhead gen-tie. For approximately 1,500 feet, the 13.8-kV and 115-kV circuits would be co-located on shared steel monopoles to cross I-80 and reach the PG&E Vaca-Dixon Substation.

Corby proposes its own 230-kV gen-tie to the same Vaca-Dixon Substation area. Thus, the cumulative issue is not simply that another BESS exists somewhere nearby. It is the concentration of additional overhead electrical infrastructure serving the same immediate substation area.

CEQA Guidelines section 15130 requires analysis of a project's incremental contribution to cumulative effects. Staff should therefore evaluate whether the combined transmission facilities could produce additive or overlapping effects involving corona/audible noise, RFI/TVI, fire and ignition hazards, aviation considerations, EMF exposure patterns, and the physical concentration of transmission structures. Merely identifying Vaca Dixon and invoking GO-95 does not disclose that analysis.

XIII. Requested Revisions and Findings

Before adopting the Section 5.13 findings, the Commission should require Staff to revise the analysis to: (1) reconcile the significance table's repeated "Less Than Significant With Mitigation Incorporated" findings with Section 5.13.6's statement that there are no recommended mitigation measures; (2) evaluate existing agricultural aviation activity and the proposed overhead alignment, including the underground-to-overhead transition area; (3) provide receptor-specific analysis of RFI/TVI, audible noise, and EMF where those effects depend on distance, weather, configuration, or exposure; (4) evaluate fire and shock hazards using the actual agricultural and physical conditions along the route; (5) evaluate additional undergrounding as a concrete impact-reduction measure, including its relationship to the Alternatives analysis, and provide project-specific evidence if it is rejected as infeasible; and (6) provide a genuine cumulative analysis of Corby together with the Vaca Dixon Power Center transmission facilities.

If, after that analysis, Staff determines that an overhead transmission impact is significant, the Commission must consider feasible mitigation capable of avoiding or substantially reducing that effect. If a potentially effective measure such as additional undergrounding is rejected as infeasible, the basis for that determination should be supported by substantial evidence. Only after completing that analytical sequence can the Commission make the findings CEQA requires.

XIV. Conclusion

Section 5.13 does not presently provide a sufficient site-specific evidentiary basis for its proposed transmission-line safety and nuisance findings. Staff's analysis repeatedly relies on LORS compliance, generalized industry practice, expectations about surrounding land use, and future verification while leaving important existing conditions unexamined.

The aviation issue illustrates the problem clearly. Staff evaluates a 90- to 130-foot overhead gen-tie principally through an FAA 200-foot notification framework, yet existing low-altitude agricultural aircraft operations have been personally observed in the immediate corridor and near the point where the line transitions from underground to overhead. That existing use is not analyzed.

The same pattern appears in the treatment of wet-weather corona noise, RFI/TVI, fire hazards, shock, and EMF. And although Staff expressly acknowledges the Vaca Dixon Power Center, it does not disclose an analysis of the combined physical effects of Corby's 230-kV gen-tie and Vaca Dixon's additional overhead transmission infrastructure serving the same substation area.

These are not requests for analysis for its own sake. They concern the factual basis for the findings the Commission is being asked to adopt. On the present record, the Commission should decline to adopt the Section 5.13 findings and should require a revised, site-specific analysis addressing these deficiencies.

In addition to my comments, I formally incorporate by reference and fully support the technical comment letter submitted by Keep Vacaville Safe.

Sources Cited

- Corby Battery Energy Storage System Project, Staff Assessment, Section 5.13, Transmission Line Safety and Nuisance, pp. 5.13-3 through 5.13-15.
- CEQA Guidelines §§ 15126.4, 15130.
- Keep Our Mountains Quiet v. County of Santa Clara (2015) 236 Cal.App.4th 714.
- Lotus v. Department of Transportation (2014) 223 Cal.App.4th 645.
- Sundstrom v. County of Mendocino (1988) 202 Cal.App.3d 296.
- California Energy Commission, Vaca Dixon Power Center Project, Docket No. 26-OPT-01 (project description and status).
- Solano County 2008 General Plan, Chapter 3, Policy AG.P-28 (Elmira/Maine Prairie agricultural preservation policy).
- Michael Geller, separate comments concerning Measure T and Solano County General Plan agricultural policies, Docket No. 24-OPT-05.