

DOCKETED

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Opposition to Corby Battery Energy Storage System Project

Additional submitted attachment is included below.

To the Honorable Siting Commissioners:

Pursuant to Public Resources Code Section 25545.7.6, this formal public comment is submitted to express strong opposition to the Opt-In Certification of the Corby Battery Energy Storage System (BESS) Project. This filing integrates both local technical field realities and structural legal deficiencies inherent within Section 5.10 (Public Health) of the Staff Assessment (SA) and Draft Environment Impact Report (EIR).

The SA erroneously concludes that public health and safety impacts will be “Less Than Significant with Mitigation Incorporated.” This conclusion relies on flawed cumulative mechanics, unmitigated toxic air thresholds, a complete disregard for local health infrastructure, deferred environmental analysis, and an unrealistic reliance on an under-equipped rural protection network. Consequently, the Commission cannot legally or ethically certify this project under the strict mandates of the California Environmental Quality Act (CEQA).

1. Preemption of Local Safeguards Exploits Public Health Vulnerabilities.

The SA notes that under Assembly Bill 205, the California Energy Commission (CEC) intends to supersede **Solano County Ordinance No. ZT-25-02**, which explicitly prohibits front-of-the-meter BESS projects within Agricultural Zones. These localized parameters are not bureaucratic hurdles; they represent carefully deliberated public health buffers designed to isolate populations from industrial chemical hazards. By forcing an industrial utility asset into a rural agricultural zone to serve distant urban load centers like San Francisco, the CEC establishes a stark environmental injustice. This action compels the residents of Solano County to bear 100% of the long-term public health and safety liabilities while actively stripping away their statutory local protections.

2. Failure to Evaluate Worst-Case Cumulative Toxic Air Emissions at Full Build-Out.

The public health modeling relied upon in Section 5.10 is fundamentally deceptive. Staff evaluates the safety of the facility using the “Beginning of Life” (BOL) baseline of 303 battery enclosures. However, the SA admits that the applicant will systematically augment the site every three years, eventually packing a total of **341 BESS enclosures** onto the site. Section 5.10 completely fails to execute a cumulative health risk assessment for a cascading thermal runaway fire at full 341- enclosure build out under extreme Solano County wind conditions.

Lithium iron phosphate (LFP) cells are heavily hedged as “thermally stable” in the text, yet peer-reviewed chemical data demonstrates that during off-gas and deflagration events, LFP cells release catastrophic concentrations of Hydrogen Fluoride (HF), Carbon Monoxide (CO), and volatile organic compounds (VOCs). The proposed Conditions of Certification (COC PH-1 and PH-2) are entirely inadequate to protect downwind agricultural workers and surrounding residents from acute, irreversible respiratory damage.

3. Disregard for Vital Regional Health Infrastructure and Evacuation Corridors

The SA falsely characterizes the site vicinity as unpopulated and safe from structural exposure. This narrative completely ignores that the project site directly borders the City of Vacaville’s growth boundary and is in close geographic proximity to critical health infrastructure, including the **Kaiser Permanente Vacaville Medical Center** (a Major Level II Trauma Center).

A major thermal runaway event venting massive plumes of hydrogen fluoride gas upwind of a trauma hospital threatens the facility's clean air intake systems, creating an immediate life-safety crisis for non-ambulatory and intensive-care patients. Furthermore, the project sits within 0.6 miles of Interstate 80. A toxic smoke plume of this nature would force the immediate closure of I-80, blinding drivers and severing the primary regional artery required for public evacuation and emergency vehicle access.

4. Unmitigated, Long-Term Carcinogenic Threats to the Vacaville Groundwater Basin.

The local population and agricultural economy surrounding the project site rely entirely on groundwater and irrigation water supplied by the **Solano Irrigation District (SID)**. Commercial lithium-battery fires cannot be extinguished with simple chemical retardants; they require millions of gallons of continuous water application over several days to prevent thermal re-ignition.

The public health assessment offers zero engineering designs for absolute fluid containment. Millions of gallons of contaminated firewater runoff, laced with heavy metals and fluorinated compounds, will inevitably migrate into the shallow groundwater table or escape directly into the adjacent SID canal, creating an unmitigated toxicological and carcinogenic threat to the local drinking water supply and regional food chain.

5. Structural and Procedural deficiencies: Air Monitoring is Not Mitigation.

A foundational flaw within Chapter 5.10 is the treatment of environmental monitoring as physical mitigation. Under proposed Condition of Certification **PH-2**, the project owner is instructed to hire an air monitoring consultant, prepare a Sampling and Analysis Plan, and track air quality during an incident. Measuring a toxic cloud after it has already escaped into the atmosphere does absolutely nothing to prevent or limit exposure to downwind populations. Tracking a hazard detects harm; it does not stop it. The chapter relies on the logically deficient reasoning that because the applicant measures the toxic cloud of hydrogen fluoride, the public health impact is somehow lessened.

6. Improper Deferral of Environmental and Mitigation Planning.

Under CEQA, a lead agency cannot defer the formulation of mitigation measures to a future date to bypass current environmental disclosures. Condition of Certification PH-1 requires the applicant to prepare an Emergency Response Plan (ERP) before operation. This means that an actionable ERP does not currently exist. Staff has reached a conclusion of acceptability predicated on a speculative, unwritten document. Future administrative coordination or monitoring requirements cannot act as a substitute for hard, present-day analysis of a project's physical danger zones.

7. Defective "Best-Case Scenario" Modeling and Confirmation Bias

The public health assessment operates entirely under a confirmation bias framework, assuming flawless execution of all safety systems. The finding of a "less than significant" impact is contingent on an unrealistic chain of events: every technological system functions as designed, communication lines remain uninterrupted, local drone systems deploy instantly, meteorology mirrors static computer files, and thermal propagation is neatly confined. CEQA legally requires an evaluation of **reasonably foreseeable failures**, not a best-case presentation of safeguards that ignores standard physical operational errors.

8. Inoperable Emergency Response Mitigation and First Responder Opposition

The SA attempts to substitute physical engineering mitigations with passive “paper” alternatives, such as requiring the applicant to donate a toxic chemical-detecting drone and handheld gas detectors to the **Dixon Fire Department**. Donating hardware does not grant a rural local fires protection district the specialized hazardous materials (HazMat) structural training, advanced life-support apparatus, or vast operational manpower needed to control a multi-day chemical fire.

Critically, the **Vacaville Firefighters Association** has formally issued a declaration of opposition against this project, explicitly stating that it introduces unmanageable health and safety risks to first responders and the community. If the professional first responders tasked with protecting this county, state that the mitigations are a failure, the CEC lacks any legal or empirical footing to declare the impacts less than significant.

9. Irrelevant Historical Precedents and Selective Favorable Data.

Pages 5.10-14 through 5.10-18 spend extensive real estate summarizing historical battery facility incidents globally (e.g., Surprise, AZ; Warwick, NY; Chaumont, NY; Melbourne, Australia; Escondido, CA; Moss Landing). The SA utilizes these examples to claim that historical fires demonstrated low off-site concentrations, leaping to the conclusion that the Corby project will perform identically.

This is an analytical leap. These historical incidents occurred under entirely separate battery cell chemistries, vastly different topography, separate emergency response times, and minor population densities. The chapter never addresses localized risks unique to the Kilkenny Road site, such as severe wind events, inversion layers or delayed rural response times.

10. Conflation of Occupational Standards with Public Protection

The SA repeatedly relies on industrial workplace standard-including personal protective equipment (PPE), specialized respirators, and OSHA exposure limits-to support its public safety conclusions. This represents a core legal error. Industrial workers voluntarily enter restricted facilities, and are medically cleared for respirator use, and possess tactical safety training. Nearby residents, including high vulnerability demographics such as children, the elderly, and non-ambulatory patients at the upwind Kaiser hospital, possess no such protective gear or training. Workplace compliance metrics cannot be used to justify off-site ambient public exposure bounds.

11. Grossly Deficient Cumulative Impacts Framework

The cumulative public health analysis occupies barely more than a single page, dismissing risks under the narrow assumption that Toxic Air Contaminants (TAC) only create cumulative friction if separate projects are within 1,000 feet of one another. This geographic bounding ignores macro-level regional cumulative impacts. The SA completely fails to analyze the concurrent strain placed on shared regional HazMat emergency response infrastructure, mutual aid networks, conflicting evacuation routes along the I-80 corridor, overlapping smoke profiles and regional firefighter deficits during localized disaster periods.

Conclusion and Remedy

Section 5.10 of the Staff Assessment fails to satisfy the strict analytical mandates of the California Environmental Quality Act. It utilizes unrepresentative baseline data, relies on deferred and speculative plans, treats data collection as hazard mitigation, and systematically ignores the acute vulnerabilities of Vacaville's local water supply, interstate transportation corridors, and regional hospital infrastructure.

I have questions:

1. Why did Section 5.10 analyze health risks using a **303-enclosure** baseline when the document admits the site will be systematically augmented to a **341-enclosure** full build-out?
2. Where is the cumulative health risk assessment evaluating a **cascading thermal runaway fire** at full build-out under extreme local wind condition?
3. How will CEC prevent venting plumes of HF gas from compromising the **clean air intake systems at Kaiser Permanente Vacaville Medical Center**?
4. What specific traffic mitigation plan exists for when a toxic plume forces the **immediate closure of Interstate 80**, severing regional evacuation routes?
5. What engineering designs exist for **absolute fluid containment** of the millions of gallons of contaminated firewater required to cool neighboring batteries during a lithium battery fire?
6. Why is the formulation of the Emergency Response Plan (ERP) under PH-1 **deferred to a future date** rather than being disclosed for present-day analysis of physical danger zones?
7. Why did the public health assessment rely on **historical precedents with separate battery chemistries and topography** while ignoring localized risks like inversion layers and delayed rural response times?
8. How does donating a drone and gas detectors grant a rural fire protection district the **specialized HazMat training, apparatus, and manpower** needed to control a multi-day chemical fire?
9. Given that the **Vacaville Firefighters Association** has formally issued a declaration of opposition, what empirical footing does the CEC have to declare these risks "less than significant"?

For these reasons, the California Energy Commission must deny the Opt-in Certification for the project at this hazardous, un-zoned location. The Commission should direct the applicant to evaluate the **Lambie Industrial Park Alternative**, which features the robust heavy industrial zoning and isolated buffer parameters mandatory to protect human life and regional environmental stability.

Respectfully submitted,

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Vacaville, Ca