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**RELIANCE ON GENERAL BESS SAFETY STANDARDS AND
UNRESOLVED SITE-SPECIFIC SITING AND ENVIRONMENTAL
CONCERNS**

Additional submitted attachment is included below.

BEFORE THE CALIFORNIA ENERGY COMMISSION

In the Matter of:

Corby Battery Energy Storage System Project

Docket No. 24-OPT-05

**COMMENTS REGARDING RELIANCE ON GENERAL BESS SAFETY
STANDARDS
AND UNRESOLVED SITE-SPECIFIC SITING AND ENVIRONMENTAL
CONCERNS**

Submitted by Linda Geller

September 10, 2026

I. Purpose of Comment

California has adopted and continues to develop safety standards governing battery energy storage systems. Those standards address important matters such as system design, fire protection, operations and maintenance, emergency planning, thermal runaway, and emergency response.

The existence of those standards, however, raises a separate question that is particularly important for the Corby Battery Energy Storage System Project: does compliance with generally applicable BESS safety standards establish that this particular facility is appropriately located next to existing rural residences and agricultural property, or that the environmental consequences associated with this particular location have been adequately evaluated?

A standard governing how a BESS is designed, constructed, operated, or managed during an emergency does not necessarily establish an appropriate distance between a utility-scale BESS and existing residences, determine how a toxic plume will behave under site-specific wind conditions, establish the capabilities of responding fire agencies, determine the consequences of contaminated fire-water runoff, or address the combined effects of the facility on neighboring residential and agricultural properties.

These questions are particularly significant because California's regulatory framework for utility-scale BESS facilities continues to evolve while the Corby Project is under review.

II. California's BESS Safety Framework Continues to Evolve

California has strengthened its BESS safety requirements in recent years. In March 2025, the California Public Utilities Commission adopted General Order 167-C, adding maintenance and operation standards for energy storage systems and implementing requirements concerning emergency response and emergency action plans.

California's fire-safety framework has also continued to develop, including updated BESS provisions and incorporation of NFPA 855. The CEC has separately indicated that projects proceeding through the Opt-In Certification Program may be subject to the California Fire Code, NFPA 855, and additional engineering and administrative controls.

These developments demonstrate meaningful efforts to improve BESS safety. They also demonstrate that the regulatory framework has been changing during the period in which Corby has been proposed and evaluated. That circumstance is reflected in the Corby record itself.

III. CEC Staff Raised Questions About Changing NFPA 855 Requirements During the Corby Review

In Data Response Set #5, CEC Staff sought clarification regarding differences between the 2023 and 2026 editions of NFPA 855 and asked the Applicant to explain how the Project would comply with the 2026 edition. Staff also requested related information concerning other applicable safety standards.

The Applicant responded that the 2026 edition of NFPA 855 was not expected to be incorporated into the California Fire Code until July 1, 2027, but stated that CEC would require conformance to the 2026 edition “to the extent practicable” through a proposed Condition of Certification.

This exchange raises questions that remain important to the administrative record:

- What portions of the 2026 NFPA 855 requirements will apply to Corby?
- What does “to the extent practicable” mean for this Project?
- Which provisions, if any, will not be required?
- If provisions of the newer standard are determined not to be practicable, where does the Staff Assessment identify those provisions and evaluate the resulting safety or environmental consequences?
- Does Staff's conclusion concerning Project safety depend upon compliance with standards that are not yet fully incorporated into California's regulatory framework?
- If so, how is that compliance made enforceable for the life of the Project?

IV. Compliance With a Safety Standard Does Not Necessarily Resolve the Siting Question

The Staff Assessment should distinguish between two fundamentally different questions: whether the proposed Corby BESS can be designed and operated in compliance with applicable BESS safety standards, and whether compliance with those standards establishes that this particular BESS can be appropriately located at this particular site, in proximity to existing residences, agricultural operations, transportation infrastructure, and other receptors.

Those questions are not interchangeable. NFPA 855, fire-code provisions, UL testing requirements, emergency action plans, thermal monitoring, fire-detection systems, deflagration protection, and similar requirements may reduce the probability or consequences of an incident. But where does the record establish that compliance with those measures determines an environmentally appropriate separation between Corby and neighboring residences?

Does California presently establish a generally applicable residential setback for a utility-scale BESS of Corby's size based upon toxic-plume dispersion? If not, what evidence supports the residential separation incorporated into the Corby design? Is that separation based upon fire-code equipment spacing, radiant-heat criteria, toxic-plume modeling, emergency-response capability, evacuation considerations, or some other standard? Are those criteria intended to answer the same environmental question?

V. Corby's Site-Specific Conditions Require More Than Generalized Regulatory Compliance

The Corby site presents conditions that cannot necessarily be answered by demonstrating compliance with a generally applicable equipment or fire-safety standard. The record raises issues concerning nearby residences and agricultural property, local wind conditions, potential toxic releases from a BESS incident, emergency response, contaminated runoff and fire-suppression water, noise, visual industrialization, gen-tie infrastructure, and evacuation or shelter-in-place considerations.

What safety determination is based specifically upon conditions at the Corby site rather than compliance with a generally applicable BESS standard? How were actual local wind conditions incorporated into the determination that the proposed separation from residences is adequate? Were higher observed wind speeds and adverse dispersion conditions evaluated, rather than only average or typical conditions?

What standard establishes an acceptable toxic-plume exposure distance from an existing residence? Is that standard contained in NFPA 855 or the California Fire Code, or is it derived from a separate site-specific public-health analysis? If a modeled plume or exposure area extends farther than a fire-code setback or equipment-separation requirement, which distance controls Staff's assessment of potential impacts to neighboring receptors? How did Staff reconcile those different measurements?

VI. Emergency Response Raises a Separate Site-Specific Question

An emergency response plan does not itself establish that the resources necessary to execute the plan will be available during an actual incident.

What staffing, apparatus, water supply, HAZMAT capability, respiratory protection, BESS-specific training, plume-monitoring equipment, and incident-command resources are presently available to the responding agencies? Which resources presently exist and which depend upon future planning, training, agreements, equipment purchases, or funding?

What response times were assumed? What happens if a BESS incident occurs simultaneously with another major emergency in the service area? Who will conduct real-time plume monitoring? Who determines whether residents should evacuate or shelter in place? How will nearby residents be notified? What criteria will govern re-entry?

If any of these matters remain to be developed after Project approval, how did Staff evaluate the effectiveness of the emergency-response system before relying upon it in determining environmental significance?

VII. Fire-Water and Contaminated Runoff Are Not Resolved Merely by Fire-Code Compliance

The same distinction applies to fire-suppression water and contaminated runoff. If emergency response to a Corby incident involves cooling adjacent equipment or application of substantial quantities of water, where will that water travel? What volume was assumed? What constituents could be present in the resulting runoff?

Could runoff reach neighboring agricultural land, drainage facilities, SID infrastructure or canals, or groundwater? What onsite containment capacity exists? Does that capacity correspond to the volume of water reasonably foreseeable during a prolonged BESS incident? What happens if containment capacity is exceeded?

Who is responsible for sampling, containment, removal, treatment, disposal, and any remediation of affected soil or water? Which of these protections presently exist as part of the Project design, and which remain dependent upon future plans or emergency decisions?

VIII. General Regulatory Compliance Does Not Answer Neighboring-Property Concerns Already Raised in the Record

Solano County and members of the public previously raised concerns regarding the consequences of locating Corby near existing residences and agricultural properties, including property value, marketability, insurance and insurability, fire risk, noise, health and safety, and the ability to continue comfortably using neighboring property.

General compliance with NFPA 855 or the California Fire Code does not appear to answer those concerns. Where does either standard determine whether an adjacent homeowner will retain insurance coverage? Where does either determine whether the Project's physical presence and acknowledged environmental effects will affect marketability or use and enjoyment of neighboring property?

Where does either evaluate the combined consequence of significant visual industrialization, operational noise, gen-tie infrastructure, fire and toxic-release risk, emergency-response limitations, and other physical changes experienced at a neighboring residence? If Staff did not rely upon the safety standards to answer those questions, where are those issues independently evaluated?

IX. Risk Reduction Is Not the Same as Site Suitability

Many protections identified for modern BESS facilities are designed to reduce risk: thermal monitoring, fire detection, emergency action plans, deflagration protection, equipment separation, incident command, environmental monitoring, and coordination with first responders.

The existence of risk-reduction measures does not by itself answer whether avoidable exposure to that risk results from the location selected for the Project. That distinction is important in considering alternatives.

The Corby proposal would place a large industrial BESS in an existing agricultural setting near residences and would introduce significant industrial infrastructure into that setting. The Lambie Industrial Park alternative presents a fundamentally different surrounding land-use context.

Does the Staff Assessment distinguish between measures intended to make a BESS safer wherever it is constructed and the separate question of whether environmental and public-safety conflicts can be avoided or substantially reduced through location? If substantially the same NFPA, fire-code, UL, monitoring, and emergency-response protections would apply at an industrial location, what site-specific environmental or safety consideration favors exposing existing rural residential and agricultural receptors at the proposed Corby location? Conversely, what environmental disadvantage would result from locating the facility in an industrial setting farther from existing rural residences? Where is that comparison made?

X. The Changing Regulatory Framework Raises an Additional Question About the Project's Operating Life

Corby is expected to operate for decades. BESS technology, battery chemistry, fire-safety standards, emergency-response practices, and knowledge concerning the environmental consequences of BESS incidents are evolving considerably faster than that operating period. The Corby record itself demonstrates that NFPA requirements changed while this Project was being reviewed.

What safety standards will govern Corby ten, twenty, or thirty years after certification? If NFPA 855, the California Fire Code, UL standards, or California BESS regulations become more protective after Project approval, will Corby be required to comply with those later standards? If not, what version governs?

How does Staff account for replacement batteries, changed battery suppliers, changed battery chemistry, augmentation of storage capacity, or replacement equipment over the Project's operating life? Would such changes require renewed environmental review or merely compliance review? Where are the limits on those future changes established?

XI. Questions Preserved for the Administrative Record

1. What specific California regulation establishes that Corby's proposed separation from existing residences is adequate for a utility-scale BESS of this size and configuration?
2. Is that separation based upon fire propagation, radiant heat, toxic-plume dispersion, evacuation, emergency response, or another criterion?
3. Does California presently establish a residential setback specifically based upon toxic emissions from a utility-scale BESS fire?
4. If not, what site-specific evidence establishes an appropriate separation for Corby?
5. How does Staff reconcile fire-code/NFPA separation requirements with modeled public-health consequences extending beyond those distances?
6. Which provisions of the 2026 NFPA 855 standard will apply to Corby, which will not, and what does compliance "to the extent practicable" mean?
7. What portions of Staff's safety determination depend upon plans, training, equipment, agreements, monitoring programs, or emergency procedures that will not exist in final form until after certification?
8. What presently available local emergency-response resources were assumed in determining that Corby's impacts would be adequately controlled?
9. What evidence establishes that those resources are sufficient for the duration and characteristics of a foreseeable utility-scale BESS incident?

10. How were Corby's actual site-specific wind conditions, neighboring residences, agricultural operations, water table, SID canals, runoff pathways, and other receptors incorporated into the safety determination?
11. What evidence establishes adequate containment and disposition of potentially contaminated fire-suppression water?
12. Where does Staff evaluate the combined consequences of the Project's physical effects for immediately adjacent residential and agricultural properties?
13. What safety or environmental questions does Staff consider resolved merely through compliance with NFPA 855, the California Fire Code, UL standards, or other generally applicable requirements, and what evidence establishes that those standards address the particular environmental question involved?
14. How does the alternatives analysis distinguish between making a BESS safer through engineering controls and avoiding or reducing exposure by locating the BESS in a less sensitive land-use setting?
15. If substantially the same safety standards would apply at Lambie Industrial Park, what site-specific environmental or safety consideration favors exposing existing rural residential and agricultural receptors at the proposed Corby location?
16. What future safety standards will apply during Corby's anticipated operating life, and how will materially more protective standards adopted after certification affect the Project?

XII. Conclusion

California has substantially strengthened its regulation of battery energy storage systems. The Corby record itself, however, demonstrates that those standards continue to evolve. During review of this Project, Staff requested analysis of a newer edition of NFPA 855, and the Applicant acknowledged that the 2026 edition had not yet been incorporated into the California Fire Code while stating that CEC would require conformance "to the extent practicable."

The important question presented by Corby is therefore not whether BESS facilities are regulated. They plainly are. The unresolved question is what those regulations actually establish about the suitability of this particular location.

A standard addressing battery design, equipment separation, thermal runaway, fire protection, operations, or emergency planning does not necessarily establish an appropriate separation from existing residences based upon toxic-plume dispersion, actual local wind conditions, emergency-response capability, contaminated runoff, evacuation, neighboring agricultural uses, or the combined consequences experienced by people living next to the facility.

Nor does demonstrating that risk can be reduced through engineering and administrative controls necessarily answer whether the same risk and environmental conflicts could be substantially avoided through a less sensitive location.

The administrative record remains unclear as to where that distinction has been addressed for Corby and what evidence supports Staff's conclusions regarding this particular site's proximity to existing rural residential and agricultural property.

Authorities and Record References

- California Energy Commission, Corby Battery Energy Storage System Project, Docket 24-OPT-05, Staff Assessment, TN 271468 (July 15, 2026).
- Corby BESS Data Response Set #5, including Staff questions and Applicant responses concerning NFPA 855 (CEC Docket 24-OPT-05).
- California Public Utilities Commission, General Order 167-C (2025).
- California Fire Code provisions governing energy storage systems.
- NFPA 855, Standard for the Installation of Stationary Energy Storage Systems.

- UL 9540 and UL 9540A, as applicable to energy storage systems and thermal-runaway fire propagation testing.
- Public Resources Code §§ 21002, 21081 and applicable CEQA Guidelines concerning mitigation and alternatives.