

DOCKETED	
Docket Number:	24-OPT-05
Project Title:	Corby Battery Energy Storage System Project
TN #:	272558
Document Title:	Ralph Muehlenbruch Comments - PUBLIC COMMENT REGARDING THE NEXTERA CORBY BATTERY ENERGY STORAGE SYSTEM
Description:	N/A
Filer:	System
Organization:	Ralph Muehlenbruch
Submitter Role:	Public
Submission Date:	9/11/2026 10:51:37 AM
Docketed Date:	9/11/2026

Comment Received From: Ralph Muehlenbruch
Submitted On: 9/11/2026
Docket Number: 24-OPT-05

**PUBLIC COMMENT REGARDING THE NEXTERA CORBY BATTERY
ENERGY STORAGE SYSTEM**

Additional submitted attachment is included below.

PUBLIC COMMENT REGARDING THE NEXTERA CORBY BATTERY ENERGY STORAGE SYSTEM

California Energy Commission Docket No. 24-OPT-05

Vacaville, California

Dear Commissioners:

I am writing as a concerned resident to formally object to the adequacy of the Draft Environmental Impact Report (“Draft EIR”) for the proposed NextEra Corby Battery Energy Storage System (“Project”). I respectfully request that the California Energy Commission (“Commission”) **not certify the Final EIR and not approve the Project unless and until the significant deficiencies identified below have been fully addressed with substantial evidence, competent and objective analysis, meaningful mitigation, and adequate and complete responses to public comment.**

The Draft EIR should not be treated as adequate merely because it reaches conclusions favorable to the Project. CEQA requires decision-makers and the public to have reliable information concerning a project's potentially significant environmental effects and to be able to meaningfully evaluate those effects before the Project is approved. In my view, **the current Draft EIR does not meet that standard.**

1. The Draft EIR inadequately addresses the demonstrated risks of lithium-ion battery energy storage facilities

I am particularly concerned that the Draft EIR appears to rely heavily on the Project applicant's assumptions and assessments while failing to adequately grapple with the real-world evidence provided by the catastrophic 2025 thermal runaway incident at the Moss Landing Battery Energy Storage facility.

The Commission should not evaluate the risks of a large lithium-ion BESS facility solely through theoretical modeling or assumptions supplied by the Project applicant when a recent, large-scale incident provides actual evidence concerning the behavior and consequences of a battery-storage fire.

The findings of the **San José State University Moss Landing Marine Laboratories environmental impact study of the 2025 Moss Landing incident** deserve serious, transparent consideration. If that study identifies environmental, public-health, emergency-response, air-quality, water-quality, soil, ecological, or other consequences that are relevant to the proposed Corby facility, **those findings must be incorporated into the Commission's analysis rather than effectively ignored and disregarded.**

The question is not whether Moss Landing and Corby are identical facilities. They are not. The relevant question is whether the Moss Landing incident provides **reasonably foreseeable evidence concerning the potential consequences of a large-scale lithium-ion battery failure and whether those consequences have been adequately evaluated and addressed for this Project.**

The issue is not whether modern battery systems incorporate safety features. They do. The issue is whether those safeguards eliminate the possibility of a large-scale thermal runaway event and its consequences. They do not.

The Draft EIR should therefore distinguish between **compliance with safety standards** and **proof that the project presents no significant environmental risk**. Those are not equivalent propositions.

A facility can comply with applicable codes and standards and still experience an extraordinary failure. The purpose of CEQA environmental review is precisely to identify and evaluate such consequences rather than assume that regulatory compliance makes them environmentally insignificant.

The January 2025 Moss Landing incident demonstrates why this distinction matters. The subsequent San José State University research provides field evidence that a major battery fire can produce environmental fallout beyond the immediate facility.

A credible environmental review should explain, **with substantial evidence**:

- What lessons from the Moss Landing incident apply to the Corby Project and factually addresses how those lessons are or not relevant to the Corby Project;
- How the proposed technology, battery chemistry, configuration, spacing, fire suppression systems, containment systems, and operating procedures differ;
- Whether those differences materially reduce the potential consequences of a comparable incident;
- What pollutants or hazardous substances could be released during a catastrophic thermal runaway event;
- Realistically present how those releases could affect nearby residents, workers, agricultural land, waterways, wildlife, and other sensitive receptors based on the findings of the San Jose State University study;
- How emergency responders would detect, contain, monitor, and respond to such an event; and
- What happens if the mitigation measures themselves fail.

Simply asserting that a catastrophic event is unlikely is laughably not sufficient. **Low probability does not mean zero environmental impact**, particularly when the consequences could be severe and potentially long-lasting especially in sensitive prime productive agricultural land.

The Commission should require a transparent, evidence-based analysis rather than accepting applicant-generated assumptions at face value with **no** statistical or factual data to support those assumptions.

2. The AB 205 opt-in process should not substitute for meaningful consideration of local policies and community interests

I also object to the manner in which the AB 205 opt-in process is being used to place the Project before the Commission despite locally adopted policies governing development and land use.

Local governments and residents have spent years debating how to protect Vacaville's and Solano County's agricultural, residential, environmental, and community interests. **Those policies represent democratic decisions made by residents and their elected representatives.**

The Draft EIR should therefore explicitly acknowledge and analyze the relevant local policies, ordinances, land-use restrictions, and voter-approved measures that bear upon this Project. That includes **Measure T and its purpose of preserving the historically agricultural character and fabric of Solano County**, as well as applicable City of Vacaville and County of Solano policies and ordinances concerning BESS facilities and the types of technology and locations considered appropriate.

The fact that AB 205 creates an opt-in pathway does not make those local policies environmentally irrelevant. Nor should the existence of state jurisdiction be treated as a reason to dismiss the underlying concerns that caused local officials and voters to adopt those policies in the first place.

The Commission has the authority to consider whether the Project is environmentally appropriate. **It should exercise that authority with full recognition that the people who live in the affected community will bear most of the Project's potential risks.**

This raises a fundamental issue of fairness. **Who receives the economic benefits, and who bears the consequences if something goes wrong?**

If a catastrophic thermal runaway event were to occur, local residents—not distant corporate decision-makers, not unelected, unaccountable commissioners—would face the potential consequences. Local taxpayers and emergency responders could bear substantial costs. Nearby businesses and property owners could suffer financial and emotional losses. Agricultural operations could be disrupted. Residents could be displaced. Public infrastructure and emergency services could be strained.

Meanwhile, the economic benefits to the surrounding community may be comparatively limited.

The Commission should therefore require a meaningful analysis of the distribution of Project benefits and risks rather than treating the Project's claimed regional or statewide benefits as sufficient justification for imposing potentially substantial localized risks. **The San Francisco Bay Area electrical infrastructure grid are the prime beneficiaries of this project while the people of Solano County, in general, and the people of Vacaville, in particular, are made to carry the burden of all the risks!**

3. The Draft EIR fails to adequately address decommissioning, financial responsibility, property values, and emergency costs

The Draft EIR also needs a much more complete analysis of what happens **after the Project's useful life ends—or if the Project ceases operations prematurely.**

The environmental review should clearly establish:

- How the facility will be decommissioned;
- Who will be legally and financially responsible for decommissioning;
- What financial assurance will be required;
- Whether that financial assurance will remain adequate over the entire operating life of the Project;
- Who pays if the Project owner sells the facility;

- Who pays if the owner abandons the Project;
- Who pays if the responsible entity becomes insolvent or bankrupt; and
- What happens if actual decommissioning costs substantially exceed the original estimate.

These are not merely business questions. They are environmental and public-interest questions because the community should not be left with an abandoned industrial facility, hazardous materials, obsolete batteries, or substantial cleanup costs.

The Draft EIR should also adequately analyze potential effects on **property values and future residential development** in the surrounding area. If the presence of a large lithium-ion BESS facility, its associated fire risk, safety restrictions, perceived hazards, or actual environmental impacts affects the desirability or value of nearby property, that potential consequence should not simply be assumed away. **Do the financial/economic considerations of the applicant with vast resources outweigh the financial/economic risks of tens of thousands of people whose economic resources are most likely limited?**

Particularly important is the proximity of the Project to **Kaiser Permanente Medical Center and its Level II Trauma Center/Hospital**.

The Draft EIR should provide a detailed analysis of the logistics and consequences of evacuating or sheltering patients, medical personnel, visitors, and vulnerable individuals during a major fire or toxic-release event. Hospitals cannot simply be treated as ordinary “receptors” or buildings that can be evacuated on short notice. Patients may be medically fragile, dependent on life-support equipment, undergoing surgery, receiving emergency treatment, or otherwise incapable of rapid evacuation. In fact, it’s inconceivable that this potentially hazardous Project would be located so close to the very emergency medical facility that would be called upon to treat those affected by an environmentally hazardous event at said Project. These are real world considerations.

The analysis should address:

- How an evacuation would actually occur;
- Available evacuation routes and their capacity;
- How emergency traffic would be managed;
- Where patients would be transported;
- Whether neighboring hospitals could absorb the displaced patients;
- How long the evacuation could take;
- What resources would be required;
- Who bears those costs; and
- Whether local emergency agencies have the staffing, equipment, training, and funding necessary to respond to a catastrophic event.

A conclusion that emergency response is “feasible” is not enough. The public deserves to know **what that response would actually require and who would pay for it**.

4. The Draft EIR inadequately analyzes cumulative impacts and the foreseeable proliferation of BESS projects

The Corby Project should not be evaluated in isolation.

This Project is significant not only because of its own footprint and impacts, but because it would establish a precedent for additional large-scale BESS projects seeking approval through the same state opt-in process. If the Commission approves the EIR, it effectively sets a precedent that the template EIRs of other projects in the vicinity will also be approved, and that is a dangerous precedent.

The Commission should therefore conduct a meaningful cumulative-impact analysis that considers the reasonably foreseeable development of **multiple BESS facilities in Solano County and the surrounding region.**

If other companies are already pursuing or considering similar projects, that foreseeable development cannot simply be ignored because those projects have not yet reached the same procedural stage.

The cumulative analysis should consider, among other things:

- Combined fire and thermal-runaway risks;
- Cumulative demands on fire departments and emergency medical services;
- Multiple simultaneous emergency events;
- Evacuation and traffic impacts;
- Cumulative impacts to hospitals and other sensitive facilities;
- Cumulative impacts on agricultural land;
- Cumulative air-quality and water-quality risks;
- Emergency-response staffing and equipment;
- Cumulative impacts on property values and future development; and
- The cumulative financial burden imposed on local governments and taxpayers.

This Project is potentially a **test case**. If the Commission approves it without adequately considering the consequences of subsequent projects, the environmental analysis may significantly underestimate the true consequences of the decision currently before the Commission.

CEQA's cumulative-impact requirement exists precisely to prevent a project from being evaluated as though it exists in a vacuum when foreseeable related development could materially change the environmental picture.

5. The Draft EIR must be based on substantial evidence, not conclusions designed to support approval

Taken together, these deficiencies raise serious questions about whether the Draft EIR is an objective environmental analysis or an exercise designed primarily to support approval of the Project as proposed.

An EIR should not begin with the assumption that the Project is acceptable and then work backward to justify that conclusion. It should honestly identify potentially significant impacts, disclose uncertainty, evaluate reasonable worst-case consequences where appropriate, consider feasible alternatives, and identify mitigation that is enforceable and effective.

Where the evidence is uncertain, the analysis should not simply resolve that uncertainty in favor of the Project applicant.

The public should not be required to accept unsupported assurances that catastrophic events are unlikely, that emergency response will be adequate, that property values will not be affected, that decommissioning will occur as planned, or that future BESS development will somehow not create cumulative impacts.

Those conclusions require evidence.

Conclusion and request for Commission action

For these reasons, I respectfully request that the Commission **decline to certify the Final EIR in its present form and decline to approve the NextEra Corby BESS Project unless the identified deficiencies are fully addressed.**

At a minimum, the Commission should require a revised or supplemented environmental analysis that:

1. Fully incorporates and evaluates the relevant findings from the Moss Landing 2025 thermal-runaway incident and associated environmental-impact research;
2. Provides a scientifically defensible analysis of catastrophic thermal-runaway and fire scenarios, including credible worst-case consequences;
3. Meaningfully analyzes applicable democratically approved City of Vacaville and County of Solano policies and voter-approved measures, specifically Measure T;
4. Provides a complete decommissioning plan and legally enforceable financial assurances sufficient to protect taxpayers and the public;
5. Evaluates potential effects on surrounding property values and future residential development;
6. Provides a detailed emergency-response and evacuation analysis addressing Kaiser Permanente Medical Center and its Level II Trauma Center;
7. Identifies who would bear the financial costs of emergency response, evacuation, cleanup, environmental remediation, and decommissioning;
8. Conducts a genuine cumulative-impact analysis addressing foreseeable additional BESS projects in the region; and
9. Reconsiders the Project in light of feasible alternatives including a more detailed analysis of more appropriate alternative sites (such as Lambie Industrial Park), mitigation measures, and potentially safer battery technologies or configurations.

The Commission should not confuse legal authority with environmental appropriateness. **The fact that state law permits the Commission to exercise jurisdiction over an opt-in project does not relieve the Commission of its responsibility to conduct a thorough, objective,**

evidence-based environmental review that takes into consideration the real-world effects this Project potentially has on the livelihoods, finances, quality-of-life, and environment of those most affected by this project. To state that your decision has potentially incredible consequences is a gross understatement. Truly, with great power comes great responsibility!

Residents should not be asked to accept potentially permanent financial, environmental, and public-safety risks based on optimistic assumptions, incomplete analysis, or unsupported assurances especially when there is a reasonable alternative site, Lambie Industrial Park, that is much more suitable for this project.

I therefore respectfully urge the Commission to reject certification of an obviously inadequate EIR and deny approval of the Corby BESS Project as currently proposed unless and until a legally adequate environmental review has been completed and the substantial concerns raised by residents and the available scientific evidence have been fully addressed.

Thank you for considering these comments and for protecting the public interest, the environment, and the residents who will live with the consequences of **your** decision.

Respectfully,

Ralph Muehlenbruch

Vacaville, Solano County, California