

DOCKETED

Docket Number:	24-OPT-05
Project Title:	Corby Battery Energy Storage System Project
TN #:	272593
Document Title:	Chris Whitaker Comments - Opposition to Corby BESS location and battery type
Description:	N/A
Filer:	System
Organization:	Chris Whitaker
Submitter Role:	Public
Submission Date:	9/11/2026 2:24:25 PM
Docketed Date:	9/11/2026

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

Opposition to Corby BESS location and battery type

Additional submitted attachment is included below.

DATE: September 11, 2026

TO: California Energy Commission / Lead Agency Regulatory Staff

FROM: Environmental Review & Regulatory Assessment Team

RE: Comments on Draft Environmental Impact Report / Staff Assessment — Cumulative Impact Analysis

SUBJECT: Key Analytical Deficiencies and Legal Vulnerabilities in the Cumulative Impacts Evaluation for the Corby BESS Project

Dear Commission Staff and Review Committee,

This letter presents a detailed evaluation of the cumulative impact assessment contained within the recent Environmental Impact Report (EIR) / Staff Assessment for the proposed Corby Battery Energy Storage System (BESS) project. A comprehensive review reveals significant methodological, analytical, and legal deficiencies regarding how cumulative environmental conditions were evaluated under the California Environmental Quality Act (CEQA). Specifically, the document fails to present adequate baseline integration, discipline-level synthesis, or substantial evidence to support its findings of less-than-significant cumulative effects.

Below is a detailed breakdown of the critical weaknesses and omissions identified across specific resource areas, analytical methodologies, and baseline listings:

I. Structural & Methodological Deficiencies

1. Lack of Discipline-Level Analysis and Synthesis in Appendix A

While Appendix A outlines the general framework for cumulative evaluation and provides a project list (**Table A-1**), it defers actual cumulative impact analyses entirely to individual technical sections. The appendix lacks cross-discipline synthesis, impact findings, or discipline-level significance conclusions. Furthermore, it fails to demonstrate how specific geographic scopes were applied to the listed projects for each environmental resource area, resulting in an unaddressed analytical gap and a disconnected review.

2. Evidentiary Challenges to "Sensitive Receptor" Baseline Modeling

The Staff Assessment lacks substantial evidence to justify its safety and environmental claims due to flawed baseline spatial modeling:

- **Flawed Noise and Risk Baselines:** Operational noise and thermal runoff risks were modeled from the geometric center of the 40-acre lot rather than at the property lines or at the nearest residential receptor (located just 90 feet away).
- **Precedential Risk:** Approving Corby using generalized, mid-site baseline modeling sets a dangerous precedent for future BESS projects to obscure true environmental risks, exposing the CEC to legal challenges for failing to protect sensitive receptors (such as nearby Leisure Town residents and patients at Kaiser Hospital).

3. Failure to Evaluate Feasible Alternative Sites

CEQA requires a robust evaluation of alternative sites that could achieve basic project objectives while avoiding significant environmental and zoning conflicts:

- The CEC previously inquired whether the developer (NextEra) could relocate the project to **Lambie Industrial Park**, an area Solano County specifically zoned and cleared for heavy utility and industrial uses.
- The EIR fails to perform a full cumulative analysis comparing the concentration of BESS facilities at the proposed agricultural location versus the Lambie site, particularly regarding the cumulative loss of prime farmland.

II. Specific Resource Area Weaknesses

1. Unsubstantiated Visual Findings & Internal Inconsistencies

The assessment suffers from internal contradictions regarding aesthetic impacts:

- It initially asserts that the project would result in a cumulatively considerable visual impact during construction (even with mitigation) but subsequently concludes elsewhere that construction and operational contributions would not be cumulatively considerable.
- Key Observation Point (KOP) worksheets fail to aggregate visual impacts across shared viewsheds or account for other past, present, and reasonably foreseeable projects.

2. Unquantified Cumulative Water Supply & Groundwater Demand

The finding that cumulative groundwater impacts would be less than significant is technically and legally unsupported:

- The document explicitly admits that environmental filings for surrounding foreseeable projects failed to quantify water usage yet reaches a finding of insignificance without running a basin-wide groundwater model or quantifying cumulative demand.
- The analysis fails to integrate applicable Groundwater Sustainability Plan (GSP) data, resulting in a flawed regulatory baseline.

3. Deficient Cumulative Air Quality & Environmental Justice (EJ) Analysis

- The air quality evaluation repeatedly relies on meeting individual regional criteria pollutant thresholds to assert that the project's cumulative contribution is negligible.
- It fails to transparently model or disclose background environmental concentrations combined with residual project emissions and nearby source, a major flaw when evaluating disproportionate burdens on nearby Environmental Justice communities.

4. Dismissal of Cumulative Socioeconomic & Public Service Impacts

- The analysis dismisses overlapping construction schedules among foreseeable projects listed in Table A-1 by citing general "uncertainty."
- By omitting a quantitative workforce, housing draw, or public service capacity analysis under potential overlapping buildout scenarios, the document fails to analyze potential cumulative stressors on local public services and infrastructure.

III. Omissions and Inaccuracies in Appendix A (Cumulative Projects List)

A detailed review of **Table A-1** in Appendix A reveals severe gaps, omitted projects, and outdated status tracking that undermine the validity of the cumulative baseline:

1. **Omission of the Northeast Growth Plan:** While the text references the "Northeast Growth Area," the formal Northeast Growth Plan itself is absent from Table A-1. This is a critical oversight given that the plan encompasses over 1,400 acres directly across the road from the Corby site (between Corby and the substation). Furthermore, while the document asserts Corby aligns with Northeast Growth Area objectives, it ignores that Corby provides minimal long-term local employment—directly conflicting with the plan's primary job-creation mandate.
2. **Omission of Nearby PG&E BESS Projects:** Table A-1 omits multiple nearby Battery Energy Storage System projects, (Corby phase 2, the Vaca-Dixon Power Center, Nut Tree, and two nearby PG&E BESS) preventing any assessment of cumulative hazard risks, thermal runaway, electrical grid stress, or localized visual clutter.
3. **Omission of Denied Projects (Menard Project):** The list omits relevant denied proposals, such as the Menard project, obscuring local land-use trends and past environmental determinations in the immediate vicinity.
4. **Outdated Project Status Tracking:** Numerous projects in Table A-1 rely on stale data, skewing the baseline analysis of cumulative traffic, public service draw, and water demand:
 - *Orange Drive Apartments & Retail (#12):* Listed as "Under Review," despite already being approved.
 - *Leisure Town Residential Projects (#15 & #17):* Listed as "On Hold," despite having moved forward to approved status.
 - *The Farm at Alamo Creek & The Fields at Alamo Creek (#31–33):* Shown as "Under Review," despite having reached approved status.

IV. Unanalyzed Cumulative Impacts of Clustered BESS Infrastructure

The EIR fundamentally fails to fulfill its CEQA mandate by omitting a comprehensive evaluation of the cumulative impacts resulting from multiple reasonably foreseeable BESS projects clustered in the immediate area - a region where local zoning, municipal ordinances, and County moratoria explicitly prohibit standard utility-scale lithium-ion storage.

By artificially segmenting the environmental review and evaluating the proposed facility in isolation, the EIR ignores the compounding effect of adjacent developments, including **Corby Phase 2**, the **Vaca-Dixon Power Center**, **Nut Tree**, and nearby **PG&E BESS installations according to public records**. Approving utility-scale BESS infrastructure in a localized zone restricted by local land-use buffers establishes a destructive precedent that strips local authority and concentrates high-consequence industrial risks within protected agricultural belts.

The failure to model this foreseeable BESS corridor leaves the following critical cumulative impacts unanalyzed:

- **Cumulative Public Safety Risk & Emergency Response:** Multiple clustered facilities increase the probability of thermal runaway, toxic gas releases, and prolonged suppression events. This creates unanalyzed demands on local fire departments, requires specialized hazmat equipment/training, increases local evacuation burdens, and shifts financial costs onto taxpayers.
- **Cumulative Emergency Air Quality Impacts:** During thermal runaway events, lithium-ion batteries release hazardous compounds including Hydrogen Fluoride (HF), Hydrogen Chloride

(HCl), Carbon Monoxide (CO), VOCs, Fine Particulates, and heavy metals. Multiple BESS facilities increase the risk of repeated exposure to surrounding communities over time.

- **Cumulative Agricultural Impacts & Irreversible Loss of Prime Farmland:**

- *Soil Structural Degradation:* Installing thousands of heavy lithium-ion battery cells requires extensive concrete pads, access roads, and heavy equipment staging. Deep soil compaction destroys soil structure and microbial life, resulting in the permanent industrialization of prime topsoil.
- *Encroachment Near Substation Hubs:* The Vaca-Dixon Substation acts as a magnet for energy storage projects. The cumulative pressure to convert surrounding farmlands (e.g., near Kilkenny, Burns, and Byers Roads) leads to industrial sprawl, fracturing contiguous agricultural blocks.
- *Approval of Corby on Prime Ag land sets a precedent.* Cumulative BESS builds in the area designated Prime Agricultural land magnifies the loss of this important soil.

- **Cumulative Water Resource Concerns:** Fire suppression and stormwater runoff across multiple sites increase the likelihood of soil, groundwater, and surface water contamination requiring long-term monitoring and remediation.

- **Electrical Grid Concentration Risk:** Concentrating numerous storage facilities in a single geographic node introduces critical infrastructure vulnerabilities, common-mode failure risks, heightened disaster/wildfire vulnerability, and potential system-wide unavailability.

- **Property Value, Community Character & Habitat Fragmentation:** Incremental industrial spot-zoning changes the rural visual character, increases heavy industrial traffic, expands utility infrastructure, and chips away at greenfields and wildlife corridors.

- **Environmental Justice Considerations:** Concentrating multiple high-risk industrial energy facilities near the same populations imposes disproportionate safety hazards, construction disturbances, and environmental risks on vulnerable communities.

- **Long-Term Decommissioning Obligations:** The 15–25 year operational lifespan of multiple clustered facilities creates substantial future obligations for battery recycling, hazardous waste handling, site restoration, and financial assurances that could ultimately fall on local jurisdictions.

V. Solano County General Plan cumulative impacts

1. Agricultural Resources Element

The Corby BESS site is located on designated Exclusive Agriculture (A-40 / A-20) land containing Prime Farmland. The cumulative conversion of contiguous agricultural acreage near the Vaca-Dixon Substation violates key land-preservation policies:

- Policy AG.P-1 (Agricultural Land Preservation): Mandates the protection of agricultural lands and the conversion of non-agricultural uses away from prime soils.
 - Cumulative Violation: The incremental conversion of Prime Farmland by Corby, Corby Phase 2, and nearby energy facilities creates a permanent industrial footprint. Soil compaction from concrete pads and heavy equipment permanently degrades soil structure and microbial viability, turning temporary utility site leases into irreversible agricultural loss.
- Policy AG.P-4 & AG.I-1 (Agricultural Buffers & Compatibility): Requires new non-agricultural developments to provide adequate buffers so they do not disrupt adjacent farming operations.
 - Cumulative Violation: Concentrating BESS facilities increases localized air pollutants (e.g., dust during construction, potential toxic smoke/particulates during a thermal runaway fire) and alters drainage and groundwater tables. This creates severe land-use conflicts, degrading adjacent crop value and discouraging long-term agricultural investment.
- Policy AG.P-15 (Mitigation Ratios): Solano County policy typically calls for robust agricultural land mitigation (a recommended 3:1 ratio for permanent industrial conversions on Prime Farmland).

- Cumulative Violation: By evaluating projects in isolation rather than as a single energy corridor, the lead agency dilutes the required acreage-for-acreage farmland mitigation necessary to offset regional agricultural loss.

2. Land Use Element & Local Zoning Controls

- Policy LU.P-3 (Orderly Growth & Rural Character): Directs heavy industrial, utility, and high-density commercial developments into urban growth areas or designated industrial parks (such as Lambie Industrial Park) rather than rural agricultural belts.
 - Cumulative Violation: Concentrating industrial energy storage infrastructure on rural agricultural land leads to cumulative spot-zoning. Approving utility-scale BESS facilities in agricultural zones sets a destructive precedent that strips local general plan authority and transforms open agricultural belts into an industrial energy corridor.
- Ordinance Zone Text Amendment ZT-25-02 Compliance: Solano County's updated land-use standards explicitly restrict or prohibit standalone, front-of-the-meter utility-scale BESS installations in Exclusive Agriculture (A-40) zones.
 - Cumulative Violation: Approving multiple BESS projects in an area where local ordinances explicitly limit utility-scale battery storage directly bypasses county land-use authority, creating a severe cumulative inconsistency with local zoning framework.

3. Public Health, Safety & Hazardous Materials (Safety Element)

- Policy HS.P-21 & HS.P-22 (Hazardous Materials & Emergency Response): Mandates that industrial facilities handling hazardous materials do not pose unacceptable risks to surrounding populations or overwhelm local emergency response capacities.
 - Cumulative Violation: Lithium-ion battery installations present documented risks of thermal runaway, toxic gas release (e.g., Hydrogen Fluoride, Carbon Monoxide, $\text{PM}_{2.5}$), and off-gas explosions. When multiple BESS sites are clustered within a single response district, the cumulative risk of simultaneous or repeated emergency events severely strains local fire departments, requires specialized hazmat capabilities, and increases local evacuation planning burdens.
- Policy HS.P-1 (Sensitive Receptors Safety Buffers): Requires high-hazard infrastructure to maintain sufficient setbacks from sensitive populations (such as nearby residences along Leisure Town Road and Kaiser Hospital facilities).
 - Cumulative Violation: Modeling noise, thermal hazards, and toxic air risks from the geometric center of a 40-acre lot—rather than from property boundaries or nearest residential receptors (some as close as 90 feet)—fails to evaluate the cumulative exposure burden placed on nearby residents.

4. Resources & Environmental Quality Element

- Policy RS.P-11 & RS.P-13 (Groundwater Basin Sustainability): Protects regional groundwater supplies and requires projects to align with local Groundwater Sustainability Plans (GSPs).
 - Cumulative Violation: BESS facilities require water for dust suppression, site management, and potential fire suppression. Approving multiple energy storage sites without conducting a combined, basin-wide groundwater model or quantifying aggregate water demand threatens baseline water availability and increases the likelihood of contaminated runoff entering local soils and aquifers.
- Policy RS.P-6 (Scenic Viewshed Protection): Requires protection of rural open space viewsheds and visual character.
 - Cumulative Violation: Combining multiple BESS installations, high-voltage overhead genetic lines, substations, and security fencing introduces industrial visual clutter that permanently degrades the rural, open-space character of eastern Solano County.

5. Environmental Justice & Community Character Element

- Policy EJ.P-1 (Fair Distribution of Environmental Burdens): Prohibits concentrating high-consequence industrial hazards, construction disturbances, and public safety risks within vulnerable or rural residential communities.

- Cumulative Violation: Clustering multiple utility-scale BESS facilities, expanding substations, and constructing transmission lines in the same localized zone concentrates regional energy infrastructure risks onto a single community, violating fair-share environmental justice principles.

Conclusion & Action Requested

In light of these substantial omissions, analytical gaps, and legal vulnerabilities under CEQA, we strongly advise that the Lead Agency revise the cumulative impact sections, perform the necessary quantitative modeling and cross-discipline synthesis, update Table A-1, prior to taking any final administrative or project approval actions.

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

Respectfully submitted,

Chris Whitaker

Resident of Solano County / Vacaville