

DOCKETED

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Water Resources

The following are a questions concerning the Water Resources section, 5.16 in the draft EIR report from staff. On page 5.16-1,

"The proposed project would result in the creation of approximately 14 acres of impervious surfaces within a 65.9-acre overall project footprint (Solano County 2025a, Tetra Tech 2026). Depth to groundwater ranges from 7 to 15 ft at the project site (Tetra Tech 2024b). "

Please define "impervious surfaces"

Please justify the CEC purpose of overriding the zoning of 65.9-acres of Prime Farmland, that have "been in agricultural use for many decades," for the approval of a lithium ion battery.

Please demonstrate how the groundwater at 7 ft will be protected from contamination for the neighboring farmers and families.

In the next paragraph, "The natural runoff from the project site is split between the two watersheds that ultimately

conjoin downstream. Sweany Creek flows through HUC 180201630501 before emptying to Ulatis Creek and flowing through Lower Ulatis Creek watershed (HUC 180201630505) until meeting with Cache Slough (HUC 180201630606) and ultimately discharging into the San Francisco Bay Delta."

Later, it states that Sweany Creek is listed as "Condition Unknown." If this is where the BESS will be located the condition of the creek needs to be assessed, both before approval and at intervals after established to ensure it does not contribute additional pathogens. Please provide the necessary study/information to clarify the condition of Sweany Creek.

On page 5.16-2, the report states, "Water levels of the basin are generally considered to be stable with some declining zones in the northwestern area of the subbasin.

Hydrographs indicate that uncharacteristically dry years correspond with declining groundwater levels but also that wetter years display recovery.

Please confirm that if the water flows from northwest to southeast, as stated in the previous paragraph, if the hydrographs indicate declining groundwater, the sub basin in the southeast would follow in the decline of groundwater. If the flow is not normal at the start, it will not be present at the end, correct? This report states that "The Solano sub basin is identified as a medium priority basin (DWR 2020)" Please confirm the accuracy in the assumption that "Groundwater is likely available via onsite well".

Additionally, when sub basins run dry or are over drafted, it triggers additional infrastructure damage and well failures, it disrupts ag, and the land collapses. In my own farm, less than 2 miles north of the site, "upstream" I have sink holes that were not there 15 years ago.

In the next section under Flooding, between pages 5.16-2 and 5.16-3, this section needs to include the plans for flooding in our vernal pool landscape. How does this

section account for el nino years or atmospheric rivers? What is the consequence or damage that would occur if the batteries are sitting in water, when water cannot run off faster than it falls? Do you have data that provides the risk and environmental impact of standing water on such a structure? What damage may result in the thermal management of this project? Is there a standard for safety?

Moving into Regulatory on page 5.16-3, under section 303(d) of the CWA, "According to Section 303(d) List of the Clean Water Act, the Upper Ulatis Creek is listed as impaired with pesticides on the Impaired Waters for California List (USEPA 2024)." As per the end of page 5.16-1, the proposed site feeds into Sweany Creek, prior to conjoining downstream with the Ulatis. This report fails to identify the condition of the surface water bodies in Sweany Creek, nor does it develop TMDLs.

My final request on this entry regards the Executive Order N-7-22 on page 5.16-4: Executive Order N-7-22. In response to extreme and expanding drought conditions in California, the Governor issued Executive Order N-7-22 in March of 2022. Among other water resource considerations, EO-7-N-22 prohibits counties, cities, and other public agencies from approving permits for either the construction of new groundwater wells or the alteration of existing wells that are within a Sustainable Groundwater Management Act-regulated medium or high-priority groundwater basin unless:

1. the Groundwater Sustainability Agency managing the basin verifies in writing that the proposed groundwater extractions would
 - a. be consistent with any applicable Groundwater Sustainability Plan, and
 - b. not decrease the likelihood of achieving a sustainability goal for the basin; and
2. the well-permitting agency determines that extraction of groundwater from the proposed or modified well is not likely to
 - a. interfere with the production and functioning of existing nearby wells, or
 - b. cause subsidence that would adversely impact or damage nearby infrastructure.

My farm and home depend on our well water. I have friends that have to buy truckloads of water to sustain their business. Who is the Groundwater Sustainability Agency that provides the verification and will this be public information prior to the approval of the project. The project will require a well, as I will prove in the next paragraph. Let's break it down:

"In the event that the Solano Irrigation District is unable to meet project water supply needs,"

Clearly the CEC staff does not know that the SID water is seasonal. It does not run year round. This cannot be the source of water.

"then the applicant proposes to develop an onsite groundwater well to serve construction and temporary landscape irrigation needs. If a groundwater well is needed, then EO N-7-22 would apply since the Westland Subbasin is defined as a high priority groundwater basin. The GSAs for the groundwater basin, would need to verify that stated conditions are met with respect to groundwater and that the new well would be consistent with the Westland Subbasin GSP."

Where is this Westland Subbasin? on page 5.16-1 staff identified the project site to be within the Sacramento Valley Groundwater Basin, Solano subbasin (5-021.66). Which

subbasin is it? If the site is indeed in the Westland Subbasin, then the previous information should reflect the "high priority groundwater basin" status.