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Comment Received From: Eric Romingquet
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Deferred Baseline Studies and Environmental Hold Points

Additional submitted attachment is included below.

Deferred Baseline Studies and Environmental Hold Points

September 12, 2026

California Energy Commission

Docket Unit, MS-4

Re: Docket No. 24-OPT-05 (Corby Battery Energy Storage System Project)

715 P Street

Sacramento, CA 95814

(Submitted electronically via CEC e-Commenting System)

Subject: Public Comment on Post-Certification Soil, Water, and Environmental Investigations

Dear California Energy Commission and Commission Staff,

I submit these comments regarding several proposed Conditions of Certification that postpone baseline studies or essential feasibility determinations until after project certification. California Code of Regulations, title 14, section 15126.4(a)(1)(B), generally disfavors deferring the formulation of mitigation measures, while allowing later details when an agency commits to mitigation and adopts specific performance standards.

Several Corby conditions do not merely postpone minor implementation details. They defer information needed to understand existing conditions, determine whether a mitigation measure is feasible, and identify what happens if later testing reveals a serious problem.

1. Phase II Soil Investigation Occurs After Certification

Reference: Proposed HAZ-11; Staff Assessment pp. approximately 654-655.

Issue: HAZ-11 requires a sampling plan and Phase II Environmental Site Assessment for agrichemicals, pesticides, and other historical contamination. The sampling plan is due 90 days before construction and results only 45 days before ground disturbance.

Why it matters: The existing contamination baseline is therefore not established during environmental review. The condition does not clearly identify the concentrations that would require redesign, relocation, or completed remediation, nor does it provide a clear public-review process for the results and response plan.

Requested correction: Complete and docket the Phase II investigation before certification. If the Commission declines to do so, specify numerical action levels, mandatory remediation requirements, public disclosure, and an express prohibition on disturbance until remediation is approved and complete.

2. Construction and Operational Water Source Is Not Secured

Reference: Proposed WATER-3 and WATER-4; Staff Assessment pp. approximately 1066-1067; Solano Irrigation District comment TN 272340.

Issue: The Staff Assessment identifies SID water, an onsite groundwater well, or trucked water as possible sources. SID has informed the Commission that it does not provide water trucks or construction water without special authorization in its sole discretion and sufficient availability. The record does not demonstrate that an SID agreement exists or that an onsite well can supply the project without harming neighboring wells.

Why it matters: Identifying possible sources is different from establishing legal and physical availability. Construction demand is stated as up to 30 acre-feet per year, compared with 2 acre-feet per year during operation. Fire-water filling and replenishment also require clarification.

Requested correction: Prohibit site mobilization until a legally and physically available source is documented. Require well-yield and interference testing, protection of neighboring wells, agency review, and a clear accounting of whether fire-water demand is included in the construction and operational water budgets.

3. No Clear Upfront Decommissioning Financial Assurance

Reference: Proposed COM-15; Staff Assessment pp. approximately 1192-1194.

Issue: A final closure plan and cost estimate are required approximately one year before permanent closure, and the owner remains liable. The condition does not clearly require an upfront bond, letter of credit, trust, or bankruptcy-protected fund.

Why it matters: Owner liability does not guarantee that money will be available decades later after insolvency, abandonment, or ownership transfer. The public and land could be left with battery disposal, hazardous-material cleanup, demolition, monitoring, and restoration costs.

Requested correction: Require financial assurance before construction. Adjust it periodically for inflation and updated closure costs, protect it from bankruptcy, and require uninterrupted assurance through every ownership transfer.

4. Conditions Lack Clear Consequences When Later Information Is Unfavorable

Reference: HAZ-11, WATER-3, WATER-4, BIO-21, NOISE-7, and TRANS-1.

Issue: Several conditions require later plans, calculations, or agency comments but do not consistently state what event is prohibited if the submission is inadequate or if testing reveals an impact greater than assumed.

Why it matters: A deadline for submitting a plan is not the same as an enforceable stopping point. The conditions should make clear whether construction, commissioning, operation, or restart is prohibited and who must affirm compliance.

Requested correction: For every material post-certification submission, state the applicable hold point, measurable approval criteria, required agency concurrence, public docketing requirement, and consequence of noncompliance.

Conclusion and Requested Action

Before certification, the Commission should establish the environmental baseline and resolve whether essential resources and mitigation are feasible. If any detail is lawfully deferred, the final condition should contain objective standards, public disclosure, and an explicit prohibition against proceeding until compliance is established.

Please identify which conditions expressly stop site mobilization, construction, commissioning, operation, or restart when a prerequisite approval remains pending or when later testing produces an unfavorable result.

Thank you for your consideration and for providing a written response to these issues before project certification.

Sincerely,

Eric Romingquet
Vacaville Resident