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THRESHOLDS OF SIGNIFICANCE

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 ON THE STAFF ASSESSMENT / DRAFT EIR — THRESHOLDS OF SIGNIFICANCE

Submitted by Linda Geller

September 12, 2026

I object to approval of the Corby Battery Energy Storage System Project and to certification of the environmental impact report contained in the Staff Assessment on the present record.

These comments are submitted under the California Environmental Quality Act, Public Resources Code section 21000 et seq., and under the opt-in certification statutes, Public Resources Code section 25545 et seq., during the public review period established by the Notice of Availability (TN 271480), which closes at 5:00 p.m. on Monday, September 14, 2026.

The Staff Assessment contains the draft environmental impact report. Staff says so: "This Staff Assessment (SA) consists of a draft EIR following the requirements of CEQA (Pub. Resources Code, § 21000 et seq.), the CEQA Guidelines (Cal. Code Regs., tit. 14, div. 6, ch. 3), and separate discussions regarding the following statutory requirements" (SA § 2, PDF p. 21). Each numbered comment below is therefore a comment on that draft EIR, or on one of the separate statutory discussions the same sentence identifies. The Commission "shall respond to comments raising significant environmental issues received during the noticed comment period," and where its position is at variance with a comment it must address the issue in detail, "giving reasons why specific comments and suggestions were not accepted." (Cal. Code Regs., tit. 14, § 15088, subds. (a), (c).)

Citations in the form "PDF p. ____" are to the page of the Staff Assessment as filed at TN 271468, counting the docket cover sheet as page 1.

The Legal Standard

A threshold has a definition. "A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, noncompliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant." (Cal. Code Regs., tit. 14, § 15064.7, subd. (a).)

Adopting formal thresholds is optional, and commenters do not argue otherwise. "Each public agency is encouraged to develop and publish thresholds of significance Lead agencies may also use thresholds on a case-by-case basis as provided in Section 15064(b)(2)." (§ 15064.7, subd. (b).) The Staff Assessment's significance criteria are the Appendix G checklist questions (see, e.g., SA § 5.8, PDF p. 677: "Significance criteria used in this analysis are based on Appendix G of the CEQA Guidelines"). Using them is lawful.

The explanation is not optional. "When using a threshold, the lead agency should briefly explain how compliance with the threshold means that the project's impacts are less than significant. Compliance with the threshold does not relieve a lead agency of the obligation to consider substantial evidence indicating that the project's environmental effects may still be significant." (§ 15064, subd. (b)(2).)

Whether that explanation is sufficient is generally reviewed independently, not for substantial evidence. In *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, the Supreme Court rejected a distinction between omitted discussions and merely inadequate ones: "Whether or not the alleged inadequacy is the complete omission of a required discussion or a patently inadequate one-paragraph discussion devoid of analysis, the reviewing court must decide whether the EIR serves its purpose as an informational document." The Court also fixed the limit: "The inquiry presents a mixed question of law and

fact. As such, it is generally subject to independent review. However, underlying factual determinations . . . may warrant deference."

I take that limit as given. No comment below rests on a preference for one model or data set over another. Most identify a place where the Staff Assessment stated no significance level, or stated one and never measured its own reported value against it; the rest identify an analysis CEQA requires that the document does not contain.

Relief requested

1. Do not certify the environmental impact report and do not issue a certificate on this record.
2. For each numbered comment below, what significance level was applied, how does the Staff Assessment's reported value compare with that level, and if the value exceeds the announced level, why does that level not govern?
3. Will the Commission provide a separate written response to each significant environmental issue, giving the reasons required by CEQA Guidelines § 15088(c), and provide proposed responses to commenting public agencies within the time required by § 15088(b)?
4. If correction of the identified issues constitutes significant new information, will the Commission recirculate only the affected portions of the EIR for the review period required by Public Resources Code § 25545.7.6(b) and CEQA Guidelines § 15088.5(c), rather than the entire 1,402-page document?
5. If the Commission determines that recirculation is not required, what reasons and substantial evidence in the administrative record support that determination under § 15088.5(e)?
6. Notice. I will contend that an omitted analysis, corrected calculation, new or substituted rationale for a less-than-significant determination, or new or materially revised condition of certification appearing for the first time in the updated Staff Assessment containing the final EIR is "significant new information" under section 15088.5, subdivision (a), because it changes the document "in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect." I do not contend that every clarification or amplification requires recirculation (§ 15088.5, subd. (b)); they do contend that where the draft omitted an analysis CEQA requires, supplying that analysis for the first time in the final EIR gives the public no opportunity to comment on it, which is the circumstance subdivision (a) addresses.

1.Public Health and Air Quality: the Staff Assessment's own modeling exceeds the levels it adopted

The Staff Assessment analyzes one thermal runaway release twice — in Section 5.1 as air quality, in Section 5.10 as public health — and finds it less than significant both times. In each section the modeled result exceeds a level that section announced, and in neither section is that comparison made.

1.1 Section 5.1 adopted the ambient air quality standards and never applied them to the one scenario that exceeds them.

Section 5.1 states its rule twice. "The AAQS, shown in Table 5.1-1, are health protective values, so staff uses these health-based regulatory standards to help define what is considered a substantial pollutant concentration for criteria pollutants." (SA § 5.1.2.1, PDF p. 192.) And under the criterion that governs this impact: "Staff considers any new AAQS exceedance ... caused by the project's emissions to be substantial evidence of potentially significant impacts that would require the evaluation of potential mitigation measures." (SA § 5.1.2.2, PDF p. 197.) The same page adds: "This section discusses criteria pollutant impacts from construction and operation." Table 5.1-1 prints a California one-hour NO₂ standard of 339 µg/m³ and a national primary standard of 188 µg/m³, and note (a) lists NO₂ among the California standards that "are values that are not to be exceeded" (PDF pp. 180-181).

Appendix D, Attachment 1 models one-hour NO₂ at twelve receptor locations during the non-fire thermal runaway release, from 361.1 to 2,587.5 µg/m³ (PDF p. 1366). All twelve exceed 339, and all twelve exceed 188. The lowest is 1.07 times the state standard; the highest, at the residence on Kilkenny Road 880 feet away (Table 9, PDF p. 1331), is 7.63 times it. Those are modeled project impacts standing alone; Tables 5.1-6 and 5.1-7 add measured background (up to 50.8 µg/m³ for one-hour NO₂) to the modeled impact before comparing the total to the limiting standard, so the totals staff's own method produces would be higher still.

Section 5.1 measured those numbers against one other figure — "above the NO₂ AEGL-1 of 941 µg/m³, but ... well below the NO₂ AEGL-2 of 22,582 µg/m³" (PDF p. 200) — and found that "with the implementation of proposed COCs, project operation would not expose sensitive receptors to substantial pollutant concentrations, and this impact would be less than significant with mitigation" (PDF p. 202). $941 \div 339 = 2.78$, and that ratio decides the outcome: five of twelve receptors exceed 941; twelve of twelve exceed 339. "AAQS" and "NAAQS" appear nowhere in Appendix D.

Staff has two answers. First, that the rule covers routine emissions, not an accident. Section 5.10 says so expressly: "Considering that a BESS thermal runaway or fire event is an episodic accidental release rather than a routine emission source, and produces only transitory exposure, CEC staff evaluates potential impacts during such an event using the Acute Exposure Guideline Levels (AEGLs) described in OEHHA's 2008 Technical Support Document" (SA § 5.10.2.1, PDF p. 747). That passage explains why staff set aside OEHHA's acute reference exposure levels, which the preceding paragraph describes as intended "to evaluate impacts of short-term exposure from non-emergency releases" (PDF p. 747). It says nothing about the ambient air quality standards, and it is not in Section 5.1. Section 5.1 adopted the AAQS as its measure of a substantial pollutant concentration and then analyzed this release under the criterion that measure governs; the reason for not applying it does not appear at PDF pp. 200-202 or anywhere else in Section 5.1. Second, that a modeled hour cannot violate a standard of statistical form. True federally; this comment therefore rests on the California standard, which Tables 5.1-6 and 5.1-7 apply to a single maximum modeled hour, twice, in this section (PDF pp. 198-199, "Limiting Standard").

Section 5.10 repeats the gap at the next step: it evaluates the event against the AEGLs as a family — "any exceedance of the health-protective thresholds for accidental releases (i.e. AEGLs)" (SA § 5.10.2.1, PDF p. 748); "the AEGL levels are used as the significance thresholds for public exposure" (Appendix D § 2.5, PDF p. 1334) — without saying which tier decides significance, and its conclusion turns on that — a hazard index of 3.44 against AEGL-1, 0.18 against AEGL-2 (PDF p. 756).

Questions for the Commission:

- How do the twelve modeled concentrations compare with the California and national one-hour standards using the same form of comparison Staff uses in Tables 5.1-6 and 5.1-7?
- Which AEGL tier is the operative significance threshold for an accidental release?
- What is the technical and legal basis for using an emergency-response planning value instead of the identified criteria-pollutant benchmark at the same averaging time, and how does that choice affect criterion (c)?

1.2 Section 5.3 of the same document expects two to three of these events over the project life.

Sections 5.1 and 5.10 dispose of the exceedance the same way: "a BESS event is estimated to occur only once every 11 to 67 years ... Based on these factors, CEC staff finds that the probability of a BESS incident exposing sensitive receptors to substantial pollutant concentrations would be very unlikely." (SA § 5.10, PDF p. 756; SA § 5.1, PDF p. 201.) Section 5.3 takes the same estimate and finishes the calculation: "Over a 30-year project lifetime, this corresponds to an estimated 2 to 3 events, conservatively assuming one event every 11 years." (SA § 5.3, PDF p. 413.)

Sections 5.1 and 5.10 never state the project life, which is what turns a rate into a probability. Table 16 gives the rate: "Corby Project expected years between incidents 11.06 / 67.20" (Appendix D, PDF p. 1342). $30 \div 11.06 = 2.71$ expected events, which is the "2 to 3 events" Section 5.3 reports. Treating incidents as independent events arriving at that constant rate — the assumption implicit in stating a frequency as years between incidents — the chance of at least one is $1 - e^{-2.71} = 93$ percent. At 67.20 years, $30 \div 67.20 = 0.45$ expected events, and the chance of at least one is $1 - e^{-0.45} = 36$ percent. Staff's "very unlikely" finding combines this rate with the 0.7 percent conditional figure discussed in section 1.3 below, but states neither the project life that turns the rate into a probability nor the combined result it is asserting.

Two responses are foreseeable. First, that "[a] change which is speculative or unlikely to occur is not reasonably foreseeable" (Cal. Code Regs., tit. 14, § 15064, subd. (d)(3)) — but that subdivision governs indirect changes, and the Commission has already treated this event as foreseeable enough to quantify and add to the project's operating emissions total (SA Table 5.3-1 and note b, PDF p. 410, which carries 2.5 MTCO₂ per year for "BESS Thermal Runaway/Fire Emissions" in the Total Operation row). Second, that the two sections describe different events: Section 5.3's 25 MTCO₂ comes from a six-hour fire case, the modeled concentrations from the ten-hour non-fire case. The frequency does not differ. It is one all-incident figure, applied in both sections to "a BESS thermal runaway or fire event."

Questions for the Commission:

- What project life and expected number of BESS thermal-runaway/fire events did Staff use in Sections 5.1 and 5.10?
- How does Staff reconcile those values with the "very unlikely" characterization and with the criterion (c), criterion (d), and cumulative conclusions?

1.3 The 0.7 percent figure is a per-hour model output reported as a per-event probability of harm.

Staff writes that "the NO₂ AEGL-1 threshold was exceeded at the nearest receptor for only 301 hours, representing approximately 0.7 percent of the total modeled period," and, a few sentences later, that "the probability that nearby residents would experience notable but temporary symptoms is only 0.7 percent under worst-case meteorological conditions" (SA § 5.10, PDF p. 756; identical at SA § 5.1, PDF p. 201). $301 \div 43,824 = 0.687$ percent is the fraction of single hours in the five-year meteorological record in which an exceedance would occur if a release were underway in that hour. Appendix D models the non-fire release as lasting ten hours (§ 2.2.4, PDF p. 1326). A ten-hour release spans ten such hours, so the chance that at least one is an exceedance hour cannot fall below 0.687 percent and cannot exceed $10 \times 0.687 = 6.87$ percent. No per-event figure appears in Section 5.1, Section 5.10, or Appendix D, and the 301-hour count is taken against AEGL-1 at 941 µg/m³, never against 339.

Questions for the Commission:

- What is the per-event exceedance probability for the ten-hour non-fire and six-hour fire releases when the complete release window, meteorological sequence, and the applicable health benchmarks are considered?
- How was the 301-hour/0.7 percent meteorological result converted into the stated probability that nearby residents would experience symptoms during an event?

1.4 Staff wrote a trigger, its own data pulled it, and the review it promised is not in the document.

The Thresholds of Significance subsection commits this assessment to a next step: "In this analysis, under subsection, 'BESS Thermal Runaway and Fire Impacts,' below, any exceedance of the health-protective thresholds for accidental releases (i.e. AEGLs) during any BESS thermal runaway or fire event warrants further review and consideration of shelter-in-place or evacuation." (SA § 5.10.2.1, PDF p. 748.)

That subsection contains no such review. "Shelter" appears twice in all of Section 5.10 — in the sentence above, and in a generic description of what AEGLs allow (PDF p. 747). Neither condition closes the gap. COC PH-1 requires "an emergency notification system capable of rapid communication to nearby occupants," defining neither "rapid" nor "nearby" and stating no distance (PDF pp. 759-760). COC PH-2 requires a consultant able "to begin no later than two hours after notification" and states no concentration at which anything must happen (PDF pp. 760-761). Neither contains the words shelter-in-place or evacuation.

Section 5.10.6 says "No mitigation measures are recommended for public health" (PDF p. 761), but the checklist for that section is marked "Less Than Significant with Mitigation Incorporated" (PDF p. 745) and "[t]he adoption of these COCs would reduce the risk and impacts of any BESS thermal runaway/fire events to less than significant" (PDF p. 757). Whether the COCs are labeled mitigation or not, they are the measures the less-than-significant conclusion rests on, and CEQA's mitigation rules reach measures "required as conditions of approving the project" (Cal. Code Regs., tit. 14, § 15126.4, subd. (a)(1)(A)). Section 15126.4, subdivision (a)(1)(B), allows later detail only where the agency "commits itself to the mitigation," "adopts specific performance standards the mitigation will achieve," and "identifies the type(s) of potential action(s) that can feasibly achieve that performance standard." Neither COC states a performance standard for the promised protective actions.

Questions for the Commission:

- Where is the shelter-in-place and evacuation review that the Staff Assessment states an AEGL exceedance warrants?
- What protective-action distance is supported by Appendix D, including the 2,412-foot combined hazard-index contour?
- What numeric shelter-in-place and evacuation trigger concentrations apply, and what maximum time from detection to first public notification is required?

1.5 Section 5.10 does not disclose the footprint or the receptor count its own appendix produced.

The conclusion tells the reader that "a BESS incident could cause an exceedance of the AEGL-1 for 1-hour NO₂ at the closest few receptors within 2,029 ft (0.38 miles)" (SA § 5.10, PDF p. 756; repeated verbatim at SA § 5.1, PDF p. 200). That sentence is accurate for NO₂ alone.

The multi-pollutant result is larger and appears only in the appendix. Attachment 1 prints a combined AEGL-1 hazard index above 1.0 at six of twelve receptors — North 1 at 3.44, South 1 at 2.94, West 1 at 1.96, North 3 at 1.50, North 2 at 1.48, North 4 at 1.05 (PDF p. 1371) — and Table 9 identifies each as a residence on Kilkenny or Byrnes Road (PDF p. 1331). Table 14 states a "Maximum Distance to HI greater than 1.0" of 2,412 feet (PDF p. 1339). "An HI greater than 1.0 indicates that the combined effects of the pollutants might exceed the safe exposure thresholds" (Appendix D, PDF p. 1338), and Section 5.10 adopts a hazard index above 1.0 as its non-cancer rule, in terms limited to "construction and routine operation" (PDF p. 747). Neither 2,412 feet nor the six-residence count appears in either section reaching a conclusion, and neither states how many people sit inside either footprint. An EIR is measured for "adequacy, completeness, and a good faith effort at full disclosure" (Cal. Code Regs., tit. 14, § 15151).

Questions for the Commission:

- Why do Sections 5.10 and 5.1 not disclose the 2,412-foot combined hazard-index contour, the six receptor locations above HI 1.0, and the residences and estimated residents within that footprint?

- Does the hazard-index-above-1.0 significance rule apply to the accidental-release case, and if so, against which AEGL tier?
- Would adding a materially larger impact footprint or changing the significance conclusion constitute significant new information requiring recirculation under Guidelines section 15088.5?

2. Water Resources: thresholds announced and never stated, and no well-interference analysis in the Staff Assessment

2.1 The Water Resources chapter promises thresholds of significance and states none.

Subsection 5.16.2.1 of the Staff Assessment is captioned "Methodology and Thresholds of Significance" and promises "the following methodology and thresholds of significance." It then supplies a "Methodology" heading, one paragraph on where staff looked for information, and nothing else (SA § 5.16.2.1, PDF p. 1055). No threshold is stated for any of the seven Appendix G water criteria. Section 5.5, by contrast, states one and names it: "Staff's threshold is qualitative" (SA § 5.5.2.1, PDF p. 515).

Published thresholds are permissive, not mandatory — Guidelines section 15064.7(b) says only that an agency "is encouraged" to adopt them — so the defect here is not a violation of that section. It is an informational one. Because no level was stated, the chapter measures nothing against anything: no predicted drawdown, no peak discharge, no water quality concentration. Each criterion turns on the word "substantially," and a threshold is what defines it — "an identifiable quantitative, qualitative or performance level" (CEQA Guidelines, § 15064.7(a)). An environmental document must include "sufficient detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues the proposed project raises" (Sierra Club v. County of Fresno (2018) 6 Cal.5th 502, 516). A chapter that states no level and produces no quantity does not.

Questions for the Commission:

- What threshold or decision rule did Staff apply to each of the seven Water Resources criteria?
- How does each project-specific conclusion compare with that threshold or decision rule, and if the missing analysis is supplied now, does it require recirculation?

2.2 Criterion (a) is decided without naming a water quality standard, without baseline groundwater chemistry, and without any condition governing dewatering.

Criterion (a) asks whether the project would violate water quality standards. The analysis names none: "Basin Plan," "water quality objective" and "antidegradation" appear zero times in §§ 5.16.2.1 through 5.16.2.3. Staff's construction answer is: "If dewatering discharge is found to be uncontaminated, the project owner would be allowed to discharge dewatering water to waters of the US under the Construction General Permit." (SA § 5.16.2.2(a), PDF p. 1056.) First groundwater is at 7.5 feet, so dewatering is not hypothetical.

Whether the discharge is contaminated decides the question, and nothing in the record requires anyone to find out. None of COC WATER-1 through WATER-5 uses the word "dewatering" (SA § 5.16.5, PDF pp. 1065–1067). The General Permit that WATER-1 incorporates requires no analysis that would detect a metal: Attachment J to Construction General Permit Order WQ 2022-0057-DWQ provides that "[t]he discharge shall be analyzed for pH and turbidity at the discharge location within the first hour of discharge and daily for continuous dewatering discharges," and those two analytes are the whole of its required monitoring. Its substantive limits do not close the gap. Dewatering is eligible for coverage only where the activity "takes place in an area without known . . . soil and/or groundwater contamination where that contamination could cause an exceedance of receiving water limitations" (Attachment J, § B.1.c) — a test keyed to what is already known, which no one here is required to find out — and the Water Board's power to add "[c]onstituents to be monitored" (§ A.3.a) is discretionary and requires written notice to the discharger.

The constituent at issue is named in the record. Solano Irrigation District told the Commission that "some areas within Solano County have experienced high chromium levels in groundwater, causing wells to be decommissioned," and asked it to "analyze any impacts associated with the quality of the groundwater

pumped at the Project" (TN 267641, p. 3). "Chromium" appears once in 1,402 pages, in a generic pollutant list at SA § 6, PDF p. 1100, which concludes that "the project is not expected to degrade groundwater quality any further than baseline conditions." There is no baseline. The Central Valley Regional Water Quality Control Board asked for one eight months before this document issued: a discharge's effect on water quality must be presented "as measured by background concentrations and applicable water quality

objectives," and "[t]he environmental review document should evaluate potential impacts to both surface and groundwater quality" (TN 267583, p. 2). Its authority is expressly unsuperseded by Public Resources Code section 25545.1(b)(2). It received none of it.

Questions for the Commission:

- What baseline groundwater characterization supports the conclusion, including total and hexavalent chromium?
- What condition governs dewatering, what discharge point is assumed, and what Basin Plan objectives or other numeric limits apply before discharge?

2.3 The only groundwater comparison staff performed is a basin ratio, and the applicant's own well-interference study goes unmentioned, untested, and unconditioned.

The only comparison the groundwater analysis makes against any quantity is a basin ratio (SA § 5.16.2.2(b), PDF p. 1057): "The total estimated annual groundwater extraction from the basin is approximately 180,000 AFY. Therefore, the 30 AFY proposed by the project is minimal and there is very little potential impact to the aquifers long term storage." Thirty divided by 180,000 is 0.017 percent. Against that denominator no single well could ever register. The reasoning is the reasoning the Court of Appeal rejected in *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718: "The relevant question to be addressed in the EIR is not the relative amount of precursors emitted by the project when compared with preexisting emissions, but whether any additional amount of precursor emissions should be considered significant in light of the serious nature of the ozone problems in this air basin." That passage arises in the air quality discussion, and we cite it as reasoning, not as a holding about groundwater; on the water record before it the same court rejected a challenge to the accuracy of the EIR's project-level groundwater data (id. at p. 727), while holding the cumulative water analysis inadequate for want of data (id. at pp. 729–730). The point the passage supplies is the one that matters here: a ratio to a large existing total does not answer whether the added increment matters at the place it is felt.

Question (b) asks whether the project would substantially decrease groundwater supplies. Staff answered that for the basin. Whether supplies at the point of use — the wells on the adjoining farms — would be decreased is nowhere asked in the Staff Assessment. In Section 5.16 the words "drawdown," "cone of depression" and "aquifer test" appear zero times, and within the Staff Assessment the 60 gpm pumping capacity and the well site "at least 1,000 feet from the nearest supply well on adjacent properties to minimize potential drawdown impacts" appear only in the Project Description (SA § 3, PDF p. 48), in no condition of certification.

The analysis that answers it exists, and the Staff Assessment never mentions it. The Commission's own Data Adequacy Worksheet for Water Resources records that applicant Appendix 4.10-B, the Groundwater Supply Feasibility Study, supplies "the estimated drawdown on neighboring wells within 0.5 mile of the proposed well(s)" and an inventory of "[g]roundwater wells within ½ mile," and marks both complete (TN 260568, rows Appendix B (g)(14)(E)(ii), (g)(14)(B)(v)). We are not suggesting the study is hidden — it has been on this docket since November 4, 2024, at TN 259895 — and we state its results here because staff did not. It is styled a "Draft Groundwater Supply Feasibility Study" and describes itself as a "desktop study." Modeling a 300-foot well at 60 gpm, it reports 34.3 feet of drawdown in the project well, and at neighboring wells finds "the greatest drawdown at wells within 0.5 mile of the Site would be 2.4 feet at the well located on the adjacent property to the north," with all others between 1.1 and 2.3 feet (TN 259895,

Appendix 4.10-B, § 2.6.1 and Table 5, p. 10). "4.10-B" and "Groundwater Supply Feasibility" appear nowhere in the Staff Assessment's 1,402 pages. Staff had an estimate of drawdown at the neighbors' wells, marked it adequate, and then neither disclosed it, nor tested it against any threshold, nor adopted the two protections its own author recommended — that "the well site geologist can conduct aquifer zone testing during drilling and evaluate well screen placements," and that "[s]creening below 100 feet bgs in the deeper aquifer zones would reduce the potential for drawdown impact to neighboring wells" (id.). Solano Irrigation District had asked for this analysis in the environmental document: "Impacts to nearby groundwater wells and to the groundwater aquifer must be analyzed in the EIR." (TN 267641, p. 3.)

COC WATER-3 does not carry any of it forward. It governs only "[t]o utilize groundwater as operational water supply," and puts the well "adjacent to the proposed O&M facility" (SA § 5.16.5, PDF pp. 1066–1067) — that is, inside the fenced BESS yard, where the O&M containers are "placed in open areas within the fenced BESS yard" (SA § 3, PDF p. 44). The Project Description puts the well somewhere else, "on the southwest side of the BESS array adjacent to a facility road" (SA § 3, PDF p. 48); the study modeled a well "near the center west side of the subject property" (TN 259895, Appendix 4.10-B, p. 10). Three descriptions, and no condition binds the well to any of them, to a depth, to a screen interval, to a pumping rate, or to the "at least 1,000 feet from the nearest supply well on adjacent properties" that is the only separation the record states (SA § 3, PDF p. 48).

No other agency is now required to ask the question. The one standard that would have required an interference finding is applied to the wrong basin — "EO N-7-22 would apply since the Westland Subbasin is defined as a high priority groundwater basin" (SA § 5.16.1, PDF p. 1051), and the Staff Assessment's own setting places the project in the Solano subbasin (SA § 5.16.1, PDF p. 1049) — and its well-permitting provisions no longer exist: the Department of Water Resources states that "[o]n September 5, 2024, the provisions of these Executive Orders related to well permitting were rescinded by Executive Order N-3-24" (water.ca.gov, Wells, retrieved September 9, 2026). What COC WATER-3 puts in its place is a county well installation permit and DWR Bulletins 74-81 and 74-90, which the Staff Assessment's own table calls "State well installation standards" (SA Table 5.16-1, PDF p. 1064) — construction rules that say nothing about how much a new well draws from an old one. Staff also invokes "compliance with SGMA" (SA § 5.16.2.2(b), PDF p. 1058), but neither § 5.16 nor COC WATER-3 identifies any provision of SGMA or of the Solano Subbasin Groundwater Sustainability Plan that requires anyone to determine whether this well would interfere with a neighboring well. And Public Resources Code section 25545.1(b)(1) supersedes local permits and ordinances in any event, while the section 25545.1(b)(2) carve-out preserves the State and Regional Water Boards, whose authority is over water quality, not well interference. When the lead agency is the only agency that will ask the question, leaving it to a later permit is not deferral.

Questions for the Commission:

- Why is Appendix 4.10-B not summarized and evaluated in the Staff Assessment despite CEC's own data-adequacy worksheet recognizing its neighboring-well drawdown analysis?
- What is the predicted drawdown at each inventoried off-site well, and what threshold supports a less-than-significant finding for the maximum modeled drawdown?
- What enforceable limits govern the project well's location, depth, screen interval, pumping rate, aquifer-zone testing, monitoring, and corrective action if a neighboring well is impaired?

2.4 Fire water: no threshold, a design that creates the pathway, and a plan with no standard to meet.

Section 5.16 concedes the risk and resolves it with a promise: in a fire "there is a risk that the shallow groundwater aquifer could be subject to an accidental release of hazardous material or other material that would violate water quality standards. Per WATER-5, a Water Quality Control Plan (WQCP) would be developed . . ." (SA § 5.16.2.2(a), PDF p. 1057.) Depth to groundwater is 7 to 15 feet (SA § 5.16.1, PDF p. 1048).

COC WATER-5 requires a plan that "shall include best practice measures to prevent surface- and ground- water contamination in the event of any accidental release of contaminants such as battery runaway fire" (SA § 5.16.5, PDF p. 1067). It identifies no performance level the plan must achieve — no water quality objective, no containment volume, no separation from groundwater — and no measure that would achieve one. Details may be deferred only where the agency commits itself to the mitigation, "adopts specific performance standards the mitigation will achieve," and identifies actions that "can feasibly achieve that performance standard" (CEQA Guidelines, § 15126.4(a)(1)(B)). The last two are absent, and neither condition the Staff Assessment points to supplies them. COC BIO-21's baseline water sampling reaches only "known seeps and springs" that "support habitat of a special status species," and its thresholds are for "vegetation and wildlife" (SA § 5.2, PDF p. 381). COC HAZ-9 requires a Sampling and Analysis Plan that samples "surface water and groundwater (as applicable) and surface soil following any BESS fire incident" and notifies the Department of Toxic Substances Control and the Central Valley Regional Water Quality Control Board where results exceed "naturally occurring background" (SA § 5.7, PDF pp. 653–654). That is a measurement-and-notification duty that begins after the fire; it is not a performance standard that containment must meet, and it prevents nothing.

One page later the design supplies the pathway and the Staff Assessment credits it: the "two unlined stormwater detention basins" "would also facilitate infiltration to the groundwater aquifer; therefore the proposed project would not significantly impact groundwater recharge" (SA § 5.16.2.2(b), PDF p. 1058). Infiltration cannot be real enough to carry the recharge conclusion on one page and absent from the contamination conclusion on the page before. Section 5.16 states no volume of fire water to be contained, no destination for it, no basin bottom elevation, no infiltration rate, and no separation to the highest anticipated groundwater — though the Staff Assessment supplies elsewhere the numbers from which a containment volume would be built: an "approximately 24,000-gallon onsite water tank" (SA § 3, PDF p. 49), and staff's and the Dixon Fire District's shared conclusion "that a fire flow of 1,200 gallons per minute would be needed for life safety rescue and possibly for cooling adjoining BESS units" (SA § 4.4, PDF p. 154). At that rate a single hour of application is 72,000 gallons — three times the tank — and staff's own incident review states that outdoor BESS container fires "can last anywhere from under an hour to 13 hours or more" (SA § 4.4, PDF p. 146). We do not contend the record establishes any particular duration; the record establishes none, which is the point. Section 5.16 neither bounds the volume of contaminated water a fire would generate nor says where it would go, and the two detention basins that would receive site runoff are unlined.

Questions for the Commission:

- What design fire-water volume was used to determine whether containment is adequate?
- Where would that water be contained, what lining and groundwater-separation standard applies, and what numeric water-quality triggers govern post-incident sampling and remediation?
- If no quantified containment design and performance standard exists, on what basis is the water-quality impact found less than significant?

The Staff Assessment records that the population half a mile east of the site "uses a combination of Solano Irrigation District water and local groundwater" (SA § 6, PDF p. 1100). Those are wells the Staff Assessment never analyzes. The only prediction in this record of what the project's pumping would do to a neighbor's well sits in an application appendix the Staff Assessment does not cite, was never measured against a threshold, and was never converted into a condition.

3. Land Use and Agriculture: the soil arithmetic, the split LESA, and the unmitigated farmland

3.1 The post-fire soil concentration in Appendix LU is wrong by a factor of 1,000, and the corrected figure triggers a risk assessment that does not exist

The Staff Assessment's finding that a battery fire would not harm neighboring farmland rests on one number, and that number is a unit error.

Appendix LU states its inputs and its result on one page (Staff Assessment, Appendix LU, PDF p. 708). The modeling "estimated an upper-bound theoretical maximum deposition of lithium from a 6-hour BESS fire of 18.0 g/m², and for aluminum 3.4 g/m²." Then: "Using the maximum soil deposition for each metal, and a soil bulk density of 1.3 grams of soil per cubic centimeter of soil, and assuming at first the deposition exists in only the top 7.6 centimeters of soil [8], the levels due to the highest deposition could be 0.18 mg lithium/kg soil or 0.18 ppm, and for aluminum, 0.034 mg aluminum/kg soil or 0.034 ppm."

The arithmetic, on staff's own inputs:

1. One square meter of soil, 7.6 centimeters deep, is 10,000 cm² x 7.6 cm = 76,000 cm³.
2. At staff's stated bulk density of 1.3 g/cm³: 76,000 x 1.3 = 98,800 grams, or 98.8 kilograms of soil.
3. 18.0 grams of lithium / 98.8 kilograms of soil = 0.182 grams per kilogram.
4. 0.182 grams per kilogram is **182 milligrams per kilogram**.

Staff carried the digits and wrote the unit as milligrams. The same slip runs through aluminum — 3.4 / 98.8 = 0.034 g/kg, or 34 mg/kg — where it changes nothing against a background Appendix LU puts at "10,000 to 80,000 mg/kg" (PDF p. 705). For lithium it reverses the comparison on which the finding rests. Staff compares its result to "the natural level of 15 mg/kg to 30 mg/kg" and concludes the deposition "would be well below the natural background levels of both lithium and aluminum" (PDF p. 708). 182 mg/kg is six to twelve times that range. Appendix LU also defines the modeled soil at Step 4 as "surface soils (defined as up to 1 cm deep)" and then computes at 7.6 cm at Step 5 (PDF pp. 704, 708); at its own defined depth the figure is 1,385 mg/kg.

The correction is decisive because staff adopted a decision rule keyed to this exact comparison. Appendix LU quotes the DTSC screening policy staff chose to follow (PDF p. 704): identifying a chemical of potential concern "involves comparison of the highest concentration detected at the site (CMAX) with a concentration representing the upper range of ambient conditions. If CMAX does not exceed this value, then the metal is excluded as a COPC. If it does, the metal is carried forward into the risk assessment as a COPC."

On staff's own rule and staff's own numbers, lithium screens in. No risk assessment exists, and the cross-references run in a circle: Appendix D says "[a] discussion, risk assessment, and conclusions describing a less than significant impact on nearby orchards can be found in Section 5.8, Land Use and Agriculture" (SA, PDF p. 1346); Section 5.8 says the analysis "is presented in Appendix LU" (SA § 5.8.2.2(c), PDF p. 684); Appendix LU performs the screening step and stops. Section 5.8's significance criteria (SA § 5.8.2.1, PDF pp. 677-678) state no soil-concentration or crop-protective threshold, so a reader is never told what result would have been significant — even though Appendix LU states that "lithium is highly toxic to almonds at elevated concentrations" and that "almonds are grown in the specific area near the proposed site" (PDF p. 705).

What this argument does not claim. It does not claim the farmland would be poisoned. 18.0 g/m² is a modeled upper-bound maximum from a six-hour fire, not a measurement, and Appendix LU is right that "[t]he location of this maximum deposition is at the project fence line and not in an orchard, thus representing another point of conservative health-protective assumptions used in this analysis" (PDF p. 708). Nor does this comment rely on the January 2025 Moss Landing fire; staff is correct that "[t]he Moss Landing fire is not representative of a single-unit LFP BESS fire" (PDF p. 703), which involved nickel-manganese-cobalt cells rather than the lithium iron phosphate proposed here. The claim is narrower: the

stated basis for the finding is wrong by a factor of 1,000, and on the corrected figure the analysis staff's own method requires was never performed.

Questions for the Commission:

- Will Staff correct the lithium concentration calculation and apply its stated screening step to the corrected value?
- What risk assessment follows if lithium exceeds the upper range of ambient conditions under Staff's own screening rule, and what crop-protective criterion governs the conclusion?
- Does correcting the calculation and completing the omitted risk assessment constitute significant new information requiring recirculation?

3.2 The one number that eliminates mitigation for 21 acres is published without a single one of its inputs

Staff reports its scores as bare figures and publishes none of the inputs: "LE score of 18.5 • SA score of 22.8 • Total score of 41.3," followed by "As the LE score for the gen-tie ROW is less than 20, the project's conversion of Important Farmland within the City of Vacaville would not be a significant impact" (SA § 5.8.2.2(a), PDF p. 680).

The Land Evaluation subscore is composed entirely of two soil ratings: Land Capability Classification and the Storie Index. The words "Storie," "Land Capability," and "LCC" appear nowhere in the Staff Assessment's 1,402 pages. There is no soil map unit list, no acreage-proportion column, and no completed worksheet, and no staff LESA memorandum or workpaper appears in the Section 5.8 reference list (SA § 5.8.7, PDF pp. 698-701). The only sources staff names for the gen-tie run are two public datasets: staff "conducted an independent analysis using data from the Natural Resources Conservation Service and the California Department of Water Resources (NRCS 2025; DWR 2024)" (SA, PDF p. 679).

The undisclosed number is 1.5 points from flipping, and the disclosed data run against it. Of the 21.0 acres the gen-tie ROW and laydown area convert within the City of Vacaville, 12.1 are Prime Farmland — 58 percent; at the BESS site the figure is 12.8 of 40.3 acres, 32 percent (SA Table 5.8-3, PDF p. 672). The Prime-richer ground drew the lower soil score. That may be correct — FMMP farmland categories and the LESA soil ratings are different measures, and surface soils vary — but the document itself supplies nothing with which to test it. Naming two public datasets is not disclosing an analysis: the applicant's own workpaper publishes its full worksheet (TN 259883, Tables 3-2 through 3-7); staff published six numbers. The courts "have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure" (CEQA Guidelines, 14 CCR § 15151), and an environmental document must include "sufficient detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues the proposed project raises" — a question "generally subject to independent review," although an agency's underlying choice of methodology may warrant deference (Sierra Club v. County of Fresno (2018) 6 Cal.5th 502).

Questions for the Commission:

- Will CEC docket the complete Staff LESA worksheets, including soil map units, acreages, proportions, Land Capability and Storie ratings, and each Site Assessment factor score?
- Without those inputs, how can the public reproduce or meaningfully test the 18.5 Land Evaluation score that determines the City-side outcome?

3.3 The LESA analysis was split along the city/county line, and that split is the sole stated basis for giving 21 acres of Important Farmland no mitigation

Staff ran one model twice. Its stated reason: "CEC staff separated out the LESA analysis to reflect two distinct jurisdictions, the City of Vacaville and Solano County, which each have different planning and zoning approaches to agricultural resources ... In addition to the different zoning classifications, each jurisdiction has adopted different agricultural mitigation program requirements." (SA § 5.8.2.2(a), PDF p. 680.)

The consequence is arithmetic. COC LAND-1 "requires the project owner to mitigate for the conversion of 40.8 acres of Important Farmland within Solano County to non-agricultural use at a ratio of 3:1 (i.e., 122.4 acres)" (SA § 5.8.2.2(a), PDF p. 682). The project converts 61.8 acres in total — staff's own "40.8 acres of Important Farmland in unincorporated Solano County and 21.0 acres of Important Farmland in the City of Vacaville" (SA § 5.8.2.3, PDF p. 688; component acreages at SA Table 5.8-3, PDF p. 672). $61.8 - 40.8 = 21.0$ acres with no mitigation of any kind, and 12.1 of the project's 24.9 Prime Farmland acres — 48.6 percent — fall in that unmitigated set.

The Land Evaluation subscore is, by the model's construction, an acreage-weighted average of soil ratings, and the applicant's own worksheet shows the mechanism: Table 3-3 scores each soil map unit by its "Proportion of Project Area" (a Land Capability rating of 80 on 10 percent of the site contributes 8.0; a rating of 40 on 46 percent contributes 18.4), totaling a project-wide Land Capability score of 58.8 and a Storie Index score of 51.14, which Table 3-7 then weights 0.25 each to reach the Land Evaluation subtotal of 27.49 (TN 259883, Tables 3-3 and 3-7). The whole-project subscore is therefore the acreage-weighted

average of staff's two disclosed subscores: $(27.6 \times 40.8 + 18.5 \times 21.0) / 61.8 = 1,514.58 / 61.8 = 24.5$. Pairing the acreages the other way staff describes them gives $(27.6 \times 40.3 + 18.5 \times 21.5) / 61.8 = 24.4$. Either way the whole-project figure clears the 20-point gate that is the sole stated basis for the no-mitigation outcome. That survives the acreage conservatism staff invokes at PDF p. 680: solving $(27.6 \times 40.3 + 18.5x) / (40.3 + x) = 20$ gives $x = 204$ acres, roughly ten times the gen-tie's actual size. Both disclosed Site Assessment subscores, 31.5 and 22.8, already exceed 20.

This comment does not ask the Commission to hold the split unlawful; an agency has latitude in selecting a methodology. It asks for the one thing missing: the Staff Assessment nowhere states what a single whole-project run would yield. Staff's own words call the two runs a measure of "impacts from two distinct project features" (SA, PDF p. 680) — features of one project, which CEQA defines as "the whole of an action" (14 CCR § 15378(a)). And different mitigation programs are a reason to apply different mitigation, not none: staff records that "the City's Land Use Policy LU-P2.4 requires a 1:1 mitigation ratio for Farmland conversion" and declines to apply it, and that City Policy LU-P20.5 requires new development to be "consistent with the City's future specific plan for the Northeast Growth Area" while "[t]o date, the City has not issued a Northeast Growth Area Specific Plan" (SA, PDF p. 687). Four of the crossed parcels are "actively maintained as orchards" today (SA § 5.8.2.2(d), PDF p. 685).

Questions for the Commission:

- What does a single LESA analysis for the entire 61.8-acre project footprint produce?
- If the jurisdictional split changes the significance outcome, what environmental rather than administrative basis supports using that split for the significance determination?
- If the City-side acreage remains unmitigated, how is that result reconciled with City Policy LU-P2.4 and the Staff Assessment's own farmland-conversion findings?

3.4 The land use conformance analysis drops the fact that the General Plan was adopted by the voters, and omits the policy that holds the site's Agriculture designation in place

The Commission may supersede local land use enactments under Pub. Resources Code § 25545.1(b)(1), and this comment does not argue otherwise. Disclosure is a separate duty: the Staff Assessment must "discuss any inconsistencies between the proposed project and applicable general plans" (14 CCR § 15125(d)) and address conformity with applicable local standards (20 CCR § 1879(a)(2)).

Staff's reference list in Section 5.6 records that the Solano County General Plan was "Approved by Solano County Voters as Measure T on November 4, 2008" (SA § 5.6 References, PDF p. 597), the only occurrence of the phrase "Measure T" in 1,402 pages. Section 5.8, which analyzes land use and agriculture, cites the same document as "County of Solano General Plan. Adopted November 4, 2008" (SA § 5.8 References, PDF p. 700). November 4, 2008 is the election date. The Section 5.8 citation keeps the day the voters acted and deletes the fact that they acted. Table 5.8-4, the conformance table, lists five Solano County items — General Plan Policies LU.P-28, AG.P-4, and AG.P-28, and Ordinances No. 2024-1858 and ZT-25-02 (SA, PDF pp. 691-693). It omits Land Use Element Policy LU.P-3, under which the designation of specified lands as "Agriculture" on the County's Land Use Diagram "shall remain in effect until December 31, 2028," subject only to redesignation of Agriculture lands under the Board of Supervisors findings procedure in Agriculture Element Policies AG.P-32 through AG.P-36, or to repeal or amendment by the County's voters (Solano County General Plan, Policy LU.P-3, as extended by Measure T; the policy and its Measure T origin have been placed before the Commission in this proceeding at TN 272280, filed September 1, 2026). The Staff Assessment reflects neither step having occurred: it places the project site within the County's designated Agriculture areas (SA, PDF p. 673) and states that the BESS facility "would conflict with the County's A-40 zoning designation" (SA, PDF p. 683).

Questions for the Commission:

- Why are LU.P-3 and AG.P-32 through AG.P-36 absent from Table 5.8-4?
- What inconsistency exists between the Project and those voter-enacted agricultural policies, and what specific statutory authority does CEC rely on to supersede them?

4. Hazards and Wildfire: No Thresholds Are Adopted, and the Conditions the Findings Rest On Require Nothing

4.1 Section 5.7 promises thresholds of significance and adopts none.

The Staff Assessment states that "[i]n addition to the above environmental checklist, CEC staff used the following methodology and thresholds of significance to evaluate the project" (SA § 5.7.2.1, PDF p. 625). What follows is a definition, and it has been altered. Staff writes that a threshold "may be an identifiable quantitative, qualitative or performance level of a particular environmental effect," and stops at noncompliance (PDF p. 627). The regulation says a threshold "is" such a level, and adds the clause staff dropped: "and compliance with which means the effect normally will be determined to be less than significant." (CEQA Guidelines, 14 Cal. Code Regs., § 15064.7(a).) That clause is the only one that would have required staff to say what compliance means here.

No threshold follows. For criteria (a), (b) and (g) — the three checklist questions here that Appendix G does not itself quantify and that staff resolved as less than significant with mitigation — the section states no separation distance, exposure concentration, response-time criterion, cleanup level or ignition-probability criterion, and reaches each determination by listing conditions of certification. At criterion (b), staff makes a significance finding and reverses it in the next sentence: "Due to the potential for fire and explosion, staff conclude that the project's BESS would present a significant risk that should be mitigated. WORKER SAFETY-7 and WORKER SAFETY-8 would reduce the risk of fire to less than significant." (PDF p. 633.) No threshold is stated against which "less than significant" could be measured, so no reader can test whether those two conditions close the gap. Such an EIR "fails to identify any standard of significance, much less to apply one to an analysis of predictable impacts from the project." (Lotus v. Department of Transportation (2014) 223 Cal.App.4th 645, 655.)

Questions for the Commission:

- What threshold or decision rule was applied to each Hazards and Wildfire criterion, and what is the source of each?
- When those thresholds are applied to the project-specific facts, do the existing significance determinations remain the same?
- If the missing analysis changes the environmental picture, is recirculation required under CEQA Guidelines section 15088.5?

4.2 COC HAZ-9 is described as requiring remediation. It requires sampling and notice.

The post-fire contamination conclusion rests on COC HAZ-9, and the Staff Assessment misdescribes it. The text says sampling "would ensure that soil and water with hazardous constituent concentrations above applicable thresholds are properly remediated" (SA § 5.7.2.2, PDF p. 634). The condition (PDF pp. 653– 654) requires a sampling plan and a 24-hour notice to the Department of Toxic Substances Control where soil exceeds "naturally occurring background for this region of California," after which "[a]ny opinion from the (DTSC) ... shall be reported to the CPM within 24 hours."

"Remediate," and every cognate of it, appears nowhere in HAZ-9. "Applicable thresholds" appears exactly once in the 61 pages of Section 5.7 — in the sentence at PDF p. 634 that misdescribes the condition — and is defined nowhere. "Naturally occurring background for this region of California" is given with no source and no number. An agency opinion is not an order, and nothing obliges the owner to act on one. The one action HAZ-9 does require is for water: the plan must "ensure that the appropriate actions are taken for water disposal or treatment after the fire." It states no criterion for what those actions are, and it says nothing of the kind about soil — the medium the sentence at PDF p. 634 is describing. Verification is one filing 120 days before operations, with no post-incident deadline, closure standard or financial assurance. CEQA Guidelines § 15126.4(a)(1)(B) permits deferred mitigation only where the agency commits itself to the mitigation, "adopts specific performance standards the mitigation will achieve," and identifies actions that can feasibly achieve them. HAZ-9 does none of the three. Sampling detects contamination; it does not reduce it.

Questions for the Commission:

- What numeric cleanup criteria govern the constituents modeled in Appendix D?
- Does HAZ-9 actually require remediation of on-site and off-site soil, surface water, and groundwater to those criteria by a stated deadline?
- What financial assurance exists for off-site cleanup and crop loss if contamination occurs?

4.3 The wildfire findings rest on statements the Staff Assessment's own table refutes.

At PDF p. 639 staff writes that the site "has no history of wildland fires," and, on the same page, that "there is no history of wildfires near the project site." At PDF p. 642 staff writes that neither this project nor the five nearby projects is "in an area with any recent historic wildfires." Table 5.7-3 (PDF p. 611) lists the 2020 Hennessey Fire — 305,352 acres — at 4.25 miles, and three other fires within five miles. Staff's own text on that page reads: "While multiple wildfires have occurred within 5 miles of the project site, GIS data indicates areas directly adjacent to the project site are not highly susceptible to wildfire." The second half of that sentence is a statement about susceptibility. The first half is a statement about history, and it cannot be reconciled with "no history of wildfires near the project site." A 305,352-acre fire four years before the application was filed, and six years before the Staff Assessment, is not the absence of recent fire history.

Errata will fix those statements. Errata will not fix the threshold. Fire Hazard Severity Zone and CPUC fire- threat mapping rate the wildfire hazard of the surrounding landscape — its fuels, terrain and weather; criterion (g) asks whether the project exposes people or structures to risk involving wildland fire. Staff concedes on the same page that the project adds ignition sources: "There would be an increase in human activity and potential ignition sources associated with the BESS and other electrical equipment"

(PDF p. 639). A landscape-hazard map cannot answer an ignition-source question. Conform the discussion to Table 5.7-3 and state an ignition-risk threshold.

4.4 The cumulative hazards analysis names a 157 MW battery facility 0.14 miles away and analyzes nothing.

Section 5.7.2.3 (PDF pp. 641–642) lists five nearby projects, including "Project 2 (Vaca Dixon Power Center)," and then reasons only that five project-level conditions "would mitigate project specific effects" and "site specific effects," so "the COCs are sufficient to reduce impacts." Appendix A, Table A-1 (PDF p. 1231) describes Project 2 as "57 MW/57MWh BESS + 100 MW/400MWh BESS," 0.14 miles away.

Nothing in Section 5.7 addresses two battery facilities burning at once, overlapping plumes, combined deposition on the same fields, simultaneous evacuation along Kilkenny Road — which Section 5.7 itself calls "[t]he primary roadway providing access to and from the project site" and "the main ingress/egress for workers, emergency personnel, and potential evacuation, if needed" (PDF p. 638) — or simultaneous demand on the same fire agencies. CEQA Guidelines § 15130(b)(5) requires "[a] reasonable analysis of the cumulative impacts of the relevant projects"; project-specific conditions answer the project-level question, not the cumulative one. No geographic scope is stated, though § 15130(b)(3) provides that "[l]ead agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used." The same sentence names "Project 10 (Chip Seal 2025: Walnut Road)," duplicating Project 9, where Appendix A lists Project 10 as the Weber Road Construction Yard (PDF p. 1232). Section 5.8 does perform a combined two-facility fire comparison (PDF pp. 688–689). Staff should say why the hazards section is the one that declined to consider it.

4.5 No section analyzes an earthquake as an initiating event for a battery failure.

Three documents would carry the question, and none does. Section 5.6 uses "earthquake" 62 times and "liquefaction" 46 times, and never uses "thermal runaway" or "lithium." Section 5.7 uses "thermal runaway" five times and never uses "earthquake," "liquefaction" or "settlement." Appendix D, the Dispersion and Frequency Analysis, uses "thermal runaway" 22 times and never uses "seismic," "earthquake" or "liquefaction."

The site data make this a live question: "a site modified PGA of 0.547 g," "Seismic Design Category D" (PDF p. 544), soils and alluvium staff describes as saturated and of "low to moderate liquefaction potential" (PDF p. 546), and a geotechnical calculation that "total soil settlement of 1.5 inches to 2 inches may occur during project operation" (PDF p. 552). Section 5.6 also names the mechanism by which the project could worsen liquefaction — "increasing the moisture content of soils below a project" — then adds "19.1 acres of new impervious surface" draining to two unlined basins and concludes, "[b]ased on the evaluation above, and in Section 5.16," that the stormwater system "would not significantly increase groundwater infiltration rates at the project site" (PDF p. 551). Section 5.16 ran that analysis on "approximately 14 acres of impervious surface" (PDF p. 1057).

CEQA Guidelines § 15126.2(a) requires an EIR to "analyze any significant environmental effects the project might cause **or risk exacerbating** by bringing development and people into the area affected," and the Supreme Court held that "when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users" (California Building Industry Assn. v. Bay Area Air Quality Management Dist. (2015) 62 Cal.4th 369, 377–378). Independently of that rule, a seismically initiated loss of containment is a "reasonably foreseeable upset and accident condition[] involving the release of hazardous materials into the environment", Appendix G criterion (b), the criterion Section 5.7 purports to analyze (PDF p. 631).

Shaking on 40 acres of farmland moves dirt. Shaking on 40 acres carrying 1,200 MWh of lithium-ion cells can release the combustion products Appendix D models onto neighboring fields, wells and homes. Analyze ground shaking, ground failure and settlement as initiating events for loss of containment, measured against that Appendix D analysis, reconcile the impervious-area figure, and recirculate.

4.6 The accredited fire test the Staff Assessment relies on was run on a different thing.

Staff states that it "relies on the UL 9540A standard testing protocol and report to assess the possibility of a thermal runaway reaction for BESS projects" (SA § 4.4, PDF p. 150). The accredited report in the record, UL Solutions Project No. 4791516927, filed by the applicant as Appendix 2-C (TN 268368), records the following.

- "BESS Intended Installation: Non-Residential indoor floor mounted." The clause that "[t]ests conducted for indoor floor mounted installations are representative of both indoor floor mounted and outdoor ground mounted installations" is marked N/A, remark: "The BESS unit is intended for indoor use." Corby is outdoor and ground-mounted.
- "The distance between initiating unit and target units is 0 mm."
- "Number of modules in BESS: 14," rated "1344.0 Vdc, 636.8Ah." $1,344 \text{ V} \times 636.8 \text{ Ah} = 856 \text{ kWh}$. The enclosure actually to be deployed is the "LG DC Link 5.1," rated 5,112 kWh, in a quantity of "(303) Three Hundred and Three battery enclosures" (Basis of Design, TN 268539, p. 4; the 303 figure is also in SA § 3, PDF p. 41). The tested unit is roughly one-sixth of it: $856 \div 5,112 = 0.167$.
- "[U]nit does not have an integral fire suppression system."
- "The performance criteria of the unit level tests ... has been met, therefore an installation level testing in accordance with UL 9540A need not be conducted." That is the level at which UL 9540A evaluates the system in its intended installation.

The Staff Assessment's description of that test does not match it. Staff states the unit-level test was "conducted on an LG container system representative of the equipment proposed for the project" (PDF p. 151); the report's own remark is that "[t]he BESS unit is intended for indoor use." Staff writes that "[t]he LGES JF2 DC LINK module consisting of 104 cells then underwent module-level testing" (PDF p. 150); the report states "Number of cells in module: 120." Staff writes that "[t]he container consisted of three vertical racks, each containing 14 modules (total of 42 modules)" (PDF p. 151); the report records 14. Staff also describes "[a] separate large-scale burn test ... conducted by UL Solutions" with a side target three feet away (PDF p. 151) and cites no source for it; that test is not in Appendix 2-C.

The 2025 California Fire Code § 1207.1.7 requires that "large-scale fire testing shall be conducted on a **representative ESS** in accordance with UL 9540A," and that test is the basis on which the Code permits a lower fire-suppression design density (§ 1207.5.5, item 1), waiver of explosion control (§ 1207.6.3, exception 1), and reduced outdoor clearance to buildings (§ 1207.8.3, exception 3), each of which Table 1207.8 applies to an outdoor ESS installation. Two things I will not overstate. The Commission is not confined to that floor: staff recorded at the September 3, 2025 fire-department meeting that "the CEC is not bound by code" and that the CEC "is not limited to the fire code and has authority to require additional protections when warranted" (TN 265977, pp. 2–3). And SB 283 does not reach this project, because Public Resources Code § 25545.16(a) applies "[f]or any application submitted after January 1, 2026" and this application was filed and docketed November 4, 2024 (TN 259872–259874).

Questions for the Commission:

- What evidence establishes that the docketed UL 9540A testing is representative of the as-built outdoor enclosure, spacing, and configuration proposed for Corby?
- What installation-level or equivalent large-scale fire testing will validate the as-built configuration before batteries are energized?
- Who will independently review the fire and safety test reports, what pre-operation inspection will occur, and what document supports Staff's reference to a separate large-scale burn test?

5. The Staff Assessment recites compliance in place of impact analysis, in section after section

In at least six resource sections the Staff Assessment reaches a significance conclusion by reciting that a rule will be obeyed or a condition of certification imposed, without applying a stated level of effect to

project-specific data. In some of these sections no level is stated at all; in others a level is stated and never applied, or the level is left to be identified after certification.

The Staff Assessment "consists of a draft EIR following the requirements of CEQA" (SA § 2, PDF p. 21), so CEQA applies to it directly. We do not contend the Commission had to adopt formal thresholds. CEQA Guidelines § 15064.7(b) says an agency "is encouraged to develop and publish" them, and *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645 says in footnote 7 that "[t]he standard of significance applicable in any instance is a matter of discretion exercised by the public agency"

We ask staff to disclose the standard it used. Staff may answer that the Appendix G checklist reproduced at the head of each section supplies the criteria. The checklist supplies the questions. Those questions ask whether an effect is "significant," "substantial," or "in excess of" a standard; what the record does not contain is the level at which staff drew each of those lines. The *Lotus* EIR failed because it "fails to identify any standard of significance, much less to apply one to an analysis of predictable impacts from the project," and because "[a]bsent a determination regarding the significance of the impacts . . . it is impossible to determine whether mitigation measures are required or to evaluate whether other more effective measures than those proposed should be considered."

5.1 SA § 5.7 states the Guidelines definition of a threshold without its operative half

Guidelines § 15064.7(a): "A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant."

SA § 5.7.2.1, PDF p. 627: "A threshold of significance is the line at which a project's environmental impact becomes severe enough that mitigation is required to reduce that impact below the significance line. . . . A threshold of significance may be an identifiable quantitative, qualitative or performance level of a particular environmental effect, and the non-compliance there with means the effect will normally be determined to be significant by the agency."

"Is" becomes "may be," and neither sentence carries the compliance clause — the half of the definition that tells a reader what compliance with a stated level establishes. Section 5.7 then decides criteria (a), (b), and (g) by listing conditions: "The project impact from wildland fires would be less than significant with implementation of COCs WORKER SAFETY-1, WORKER SAFETY-2, WATER-1, WATER-2, and HAZ-10" (SA § 5.7.2.2, PDF p. 641).

5.2 SA § 5.5 measures industry typicality, not energy use, and calls the result "minimal"

The threshold: "Staff uses a qualitative threshold that if the selected BESS technology contains the type of components and systems typical of a utility scale system at the time of project filing, impacts on energy resources are considered not to be wasteful and inefficient and less than significant." (SA § 5.5.2.1, PDF p. 515.) The conclusion: "Project energy consumption would be limited to minimal electricity for charging and maintenance." (SA § 5.5.2.2, PDF p. 517.)

Section 5.5 states no quantity of energy consumed. The Staff Assessment's own inputs yield one. Table 5.3- 2 gives a PG&E factor of 203.983 lb CO₂/MWh, round-trip efficiency losses of 6,886 metric tons CO₂, and auxiliary loads of 1,940 metric tons CO₂ (SA Table 5.3-2, PDF p. 413).

- $6,886 \times 2,204.62 \text{ lb/MT} = 15,181,013 \text{ lb}; \div 203.983 \text{ lb/MWh} = 74,423 \text{ MWh/yr.}$
- $1,940 \times 2,204.62 \text{ lb/MT} = 4,276,963 \text{ lb}; \div 203.983 \text{ lb/MWh} = 20,967 \text{ MWh/yr.}$
- Total: 95,390 MWh/yr.

The same magnitude follows from the physical inputs: 1,200 MWh (SA § 5.5.2.2, PDF p. 517) $\times$ up to 365 cycles (SA § 5.3, PDF p. 412) = 438,000 MWh discharged a year, and at the "approximately 85 percent" round-trip efficiency § 5.5 states (PDF p. 516), the loss is 77,294 MWh. Against 438,000 MWh discharged, 95,390 MWh is 21.8 percent. This figure is not purely on-site consumption: § 5.3 attributes the round-trip emissions to "energy losses during transmission and battery charging cycles" (PDF p. 412), so the derived megawatt-hours include transmission losses alongside battery losses. Guidelines §

15126.2(b) lets the energy analysis live in the greenhouse gas chapter; § 5.5 never cites § 5.3, never states a megawatt-hour, and applies no energy threshold.

5.3 SA § 5.12 measures the landfills' compliance, not the project's waste

The subsection captioned "Methodology and Thresholds of Significance" reads, in its entirety: "The solid waste facilities identified to support the project were evaluated for compliance with State solid waste management and reduction statutes, regulations and requirements, as well as assessed to determine if the proposed project would pose an undue burden on landfill capacity." (SA § 5.12.2.1, PDF p. 789.)

The first test asks whether third-party facilities obey the law. The second turns on "undue burden," a phrase the Staff Assessment never defines. The section produces one quantity, construction waste "would represent 0.005 percent of the available capacity of the two listed landfills" (SA § 5.12.2.2, PDF p. 790), and never says what share would have been too much.

5.4 SA § 5.13: LORS compliance is the only threshold, and the section says no limit is set for five of seven

The threshold: "The LORS and practices listed in Table 5.13.1 have been established to maintain impacts below potential environmental significance. Thus, if CEC staff determines that the project would comply with the applicable LORS, CEC staff concludes that any transmission line-related safety and nuisance impacts would be less than significant." (SA § 5.13.2.1, PDF p. 802.)

The same section then reports, for five of the seven, that no such limit is set:

- Radio-frequency interference: "maximum interference levels are not specified as design criteria for modern transmission lines" (PDF p. 803).
- Audible noise: "Federal or state regulations do not specifically mandate noise-reducing designs related to electric field intensity in terms of specific noise limits" (PDF p. 804).
- Hazardous shock: "No design-specific federal regulations have been established to prevent hazardous shocks from overhead power lines" (PDF p. 805).
- Nuisance shock: "No design-specific federal or state regulations limit nuisance shocks in the transmission line environment" (PDF p. 806).
- Electric and magnetic fields: "[t]he industry seeks to reduce exposure not by setting specific exposure limits but through design guidelines" (PDF pp. 806–807).

Each of these five says that no specified limit governs the effect being evaluated, three as to federal or state regulation, one as to transmission-line design criteria, and one as to industry practice. Compliance with a limit cannot show insignificance where the section says no limit is specified. Section 5.13 applies stated criteria to two of the seven items, FAA distances under (a) and clearance rules under (d), and identifies no limit of its own for the other five. The nearest thing to a benchmark in the other five is the audible-noise discussion's report that EPRI research shows fair-weather noise from modern lines is "generally indistinguishable from background noise at the edge of a right-of-way of 100 feet or more" (PDF p. 804). Section 5.13 never states this project's right-of-way width or the distance to the nearest receptor, so that benchmark is named and not applied. 5.5 SA § 5.16 promises thresholds and supplies none. The Water Resources subsection captioned "Methodology and Thresholds of Significance" opens: "In addition to the above environmental checklist, staff used the following methodology and thresholds of significance to evaluate the project." A "Methodology" heading and one paragraph on where staff looked for information follow; § 5.16.2.2 then begins. (SA § 5.16.2.1, PDF p. 1055.) The word "threshold" appears twice in the chapter: in that sentence and the caption.

5.6 SA § 5.2 states a high risk, then defers the standard that would define it "A BESS fire would be expected to pose a high risk to special status species if the smoke plume deposits chemicals in the project area for species with limited ranges, species that forage on plants that would contain harmful chemicals, and species that rely on water sources that could concentrate harmful chemicals should a fire occur." (SA § 5.2, PDF p. 318.) The conclusion: "impacts from a potential BESS fire would likely be reduced to less than significant." (SA § 5.2, PDF p. 319.)

The condition carrying that conclusion defers the standard: "Identify the established regulatory or peer reviewed toxicity thresholds for each chemical constituent of concern to vegetation and wildlife. Where thresholds are not established, the PBFMMP shall identify a scientifically defensible evaluation framework to be submitted for review and approval by the CPM, in coordination with the USFWS, CDFW, and Department of Toxic Substances Control (DTSC)." (COC BIO-21, item 2, SA § 5.2, PDF p. 381.)

Guidelines § 15126.4(a)(1)(B) permits deferral of a measure's "specific details" only where the agency

- "(1) commits itself to the mitigation,
- (2) adopts specific performance standards the mitigation will achieve, and
- (3) identifies the type(s) of potential action(s)"

For any constituent with no established threshold, the case BIO-21 item 2 expressly anticipates, element (2) is not satisfied on the condition's face; the standard is to be devised later and approved by the CPM. Section 15126.4(a)(3) mitigation is "not required for effects which are not found to be significant", does not answer this, because BIO-21 is among the conditions producing the finding of no significance. "Would likely be" states a probability; CEQA asks the lead agency to determine whether the effect is significant.

Where no level is stated, or a stated level is never applied, the public cannot test the conclusion, and any analysis staff performs now will first appear after this comment period closes.

Questions for the Commission:

- For each of SA §§ 5.2, 5.5, 5.7, 5.12, 5.13, and 5.16, what level was applied to each checklist question, what is its source, and how does the project-specific data compare?
- Where a condition of certification supplies the significance conclusion, what specific performance standard does that condition achieve, and how is it enforceable?
- Why does SA § 5.7 omit the compliance clause from the Guidelines § 15064.7(a) definition?
- If the missing threshold analysis is first supplied after the comment period closes, does CEQA Guidelines § 15088.5 require recirculation of the affected portions?
- Where Staff cannot identify a level the Project satisfies, what evidence supports a less-than-significant conclusion?

6.Cumulative impacts: the neighboring battery project the Staff Assessment does not analyze

A second lithium-ion battery project, the Vaca Dixon Power Center Project, sits close to this one. The Staff Assessment gives three different distances for it and reconciles none of them: Appendix A, Table A-1 says 0.14 mile (PDF p. 1231); Sections 5.12 and 5.16 say "less than 1 mile from the Corby BESS project" (PDF pp. 792, 1063); Section 5.15 says "approximately 0.65 mile west of the proposed main BESS facility on Kilkenny Road" (PDF p. 893). Sections 5.8, 5.9 and 5.15 analyze that project together with this one, and Section 5.16 lists it with a water-use figure. Sections 5.12 and 5.13 name it but analyze no combined effect. Sections 5.4 and 5.10 never name it at all.

CEQA Guidelines section 15355(b) defines the cumulative impact as "the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects," and adds that "[c]umulative impacts can result from individually minor but collectively significant projects taking place over a period of time." Section 15130(a) permits an agency to treat an incremental effect as not cumulatively considerable only

if it "briefly describe[s] its basis for concluding that the incremental effect is not cumulatively considerable," and section 15130(a)(2) provides that "[a] lead agency shall identify facts and analysis supporting the lead agency's conclusion that the cumulative impact is less than significant." Each defect below is a conclusion stated without that basis.

6.1 The cumulative public health analysis never reaches the accidental release the direct analysis modeled.

Section 5.10 dismisses overlapping toxic air contaminant exposure on a premise about stationary emission sources, and never reaches the accidental release that produced the only health-threshold exceedance staff's own modeling identified (PDF p. 756). Staff recited CARB's recommended siting distances of "500 to 1,000 feet," applied a 1,000-foot screen, found "three projects within 1,000 ft," then wrote: "However, the proposed project does not include any stationary emission sources." (SA § 5.10.2.3, PDF p. 757.) Its whole cumulative treatment of a battery fire is one sentence: "With implementation of COCs discussed above, the potential health impacts during a BESS thermal runaway and fire event would also be less than significant." (SA p. 5.10-20, PDF p. 758.)

Which projects those three are follows from Table A-1's distance column, and on that column the Vaca Dixon Power Center Project is one of them: 0.14 mile x 5,280 feet = 739 feet. On the same figure it also sits inside the accidental-release footprint staff modeled — Appendix D, Table 14 gives the "Maximum Distance to HI greater than 1.0" against AEGL-1 as 2,412 feet (PDF p. 1339). On Section 5.15's figure of 0.65 mile, or 3,432 feet, it would fall outside both. Staff never says which distance is correct, and its cumulative conclusion rests on neither: it rests on the absence of stationary emission sources. Whether a battery enclosure is a permitted stationary source in air district usage says nothing about whether two facilities' accidental releases reach the same houses. The sentence at PDF p. 758 states no basis, and the analysis was feasible: Section 5.8 analyzes battery-fire metal deposition from both facilities on adjacent farmland (PDF pp. 688-689), and Section 5.9 analyzes their combined construction noise (PDF p. 729). Reconcile the distance, then analyze combined and successive exposure of the residences inside both footprints.

6.2 The solid waste analysis describes that neighbor at one-eighth its size, and never adds the projects together.

Section 5.12.2.3 calls it "a 57 MWh BESS system on a ten-acre parcel" (PDF p. 792). Table A-1, row 2 describes it as "57 MW/57MWh BESS + 100 MW/400MWh BESS" (PDF p. 1231); Section 5.8 as "a smaller BESS facility than the proposed project (i.e., 157 MW)" (PDF pp. 688-689). $57 + 400 = 457$ MWh, and $57 \div 457 = 12.5$ percent. Two of the three descriptions agree with each other; the one in the solid waste analysis does not, and the reader cannot tell whether the "approximately 300 tons" of construction waste staff recites for that project (PDF p. 792) corresponds to the 57 MWh facility or to the full 457 MWh buildout.

That subsection also selects four projects out of the 156 in Table A-1 "based on their availability of solid waste impact data and analysis and shared usage of the Recology Hay Road Landfill" (PDF p. 792) — a rule that turns in part on which applicants happened to publish numbers. It then recites each project's own conclusion. It does state a benchmark, Recology Hay Road's "daily throughput of 2,400 tons," but never adds the projects together against it (PDF p. 793). We do the addition rather than leave it to inference: $5.15 + 1.88 + 17$ tons per day for the three quantified developments, plus 300 tons over 24 months (0.41 t/d) for the neighboring BESS and 550 tons over 15 months (1.21 t/d) for this project, is about 25.6 tons per day against a 2,400-ton benchmark. Performed on the project set staff chose, the summation would not change the outcome. What the omission costs is disclosure, not result; the defects that carry weight here are the erroneous description, the absence of any quantity for Midway Plaza, and the composition of the project set itself, addressed in 6.6 below. Correct the description and show the summation.

6.3 The transmission analysis rests a cumulative "No impact" on a code the same section says sets no limit on several of these effects.

"The cumulative impacts of Transmission Line Safety and Nuisance would be considered if other power-generating facilities were adjacent to the project. There is a proposed BESS project, Vaca Dixon Power Center, that would be located near this project. However, GO-95 requirements would ensure that cumulatively these two projects would not cause significant transmission line related safety or nuisance impacts." (SA § 5.13.2.3, PDF pp. 807-808.) That is the whole analysis.

GO-95 does set clearance and grounding rules, and the same section relies on them for fire hazard, hazardous shock, and nuisance shock (PDF pp. 804-806). But for three of the effects Section 5.13 evaluates, the section states that no such limit exists. On radio-frequency interference: "maximum interference levels are not specified as design criteria for modern transmission lines" (PDF p. 803). On audible noise: "Federal or state regulations do not specifically mandate noise-reducing designs related to electric field intensity in terms of specific noise limits" (PDF p. 804). On electric and magnetic fields: "The industry seeks to reduce exposure not by setting specific exposure limits but through design guidelines that minimize exposure in each case" (PDF pp. 806-807). GO-95 compliance cannot, by itself, support a "no impact" finding on the effects for which the same section says no limit is set — and GO-95 is a design standard each line must meet on its own, so compliance by two lines does not itself address what the two facilities do in combination.

The "adjacent" screen appears nowhere in CEQA, and section 15130(b)(3) provides that lead agencies "should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used." None is given. The premise that could carry the finding, that the two "would not share common gen-tie lines or substations where the project is interconnected" (PDF p. 799), is stated without a citation to any source. Meanwhile Section 5.15, addressing a different effect but the same neighbor, treats that neighbor as close enough to combine and finds that daytime visibility of the two "could result in cumulatively considerable aesthetics effects including the perception of the increased industrialization of the landscape along this portion of Kilkenny Road" (PDF p. 893). One neighbor, two sections, two different geographic screens, and no explanation of either.

6.4 The cumulative cultural analysis states the legal test and never applies it.

Section 5.4.2.3 quotes section 15130(a), then discusses hypothetical buried finds only. Its stated basis is that project-level measures "would reduce any project-specific impacts. CEC has concluded that these COCs are sufficient to reduce impacts, and the proposed project would not contribute to a cumulatively considerable impact" (PDF pp. 493-494). Mitigating a project's own impacts does not answer whether its residual increment, combined with others, is cumulatively considerable. Section 15130(a)(3) supplies the route staff did not take — a project's "contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact" — and requires in any event that "[t]he lead agency shall identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable." Staff identified no cumulative measure, no fair share, and no facts.

The discussion also never names the Catherine Kilkenny Residence, the Vaca-Dixon Historic District, or the Vaca-Peabody 230-kV Transmission Line, the three built environment resources Table 5.4-5 finds eligible for the California Register (PDF p. 459). Table 5.8-2 places 5310 Kilkenny Road, the address Table 5.4-5 identifies as the Catherine Kilkenny Residence, "[a]pproximately 0.2 miles west of the project site" (PDF p. 666), on the same stretch of Kilkenny Road whose "increased industrialization" from the two projects together Section 5.15 describes. Section 5.4 finds that this project alone would stand "in direct line of sight of the historic residence further degrading the original setting," and screens it with COC CUL-7 (PDF p. 488). What the two projects together would do to that resource's setting is analyzed nowhere. The same passage concedes that 45 of the 156 projects have impact conclusions that "remain pending", 28.8 percent of the set.

6.5 The cumulative water analysis states its own evidentiary vacuum in one sentence and concludes in the next.

"[T]he environmental documents ... did not quantify the expected water usage of the projects and only stated that the impacts to water supply were less than significant. ... this BESS project would use only 30 AF for construction and 2 AFY or less for operation ... Therefore, the cumulative impact ... would be less than significant." (SA § 5.16.2.3, PDF p. 1064.) Staff quantified one of the four listings, the Vaca Dixon Power Center Project, at "a maximum of 11.2 AF or 5.6 AFY" during construction and ".03 AFY" in operation (PDF p. 1063), and none of the others, including Midway Plaza, whose "potable water would be provided by an on-site well that would be permitted by the California Division of Drinking Water" (PDF p. 1063). It then answered a cumulative question with this project's own usage figure, and substituted other agencies' conclusions for its own analysis. The subsection addresses water supply only: nothing on water quality, erosion, runoff, stormwater capacity, flood flows, or this project's contribution to Upper Ulatis Creek, which the same section says "is listed as impaired with pesticides on the Impaired Waters for California List" (PDF p. 1050).

6.6 The cumulative scenario omits 1,400 MW of Solano County battery storage the Staff Assessment itself identifies.

Table A-1 lists 156 projects and contains exactly one battery project. Table 8-2, in the same document, lists five battery projects proposed in Solano County — the narrative on the same page calls them "four other BESS projects" — Tolenas (400 MW), Brushy (400 MW), High Winds Storage (100 MW), Arges BESS (100 MW), and "Corby 2" (400 MW). $400 + 400 + 100 + 100 + 400 = 1,400$ MW. Two of them, Arges BESS and "Corby 2," are queued to "Interconnect to Vaca-Dixon Substation" (PDF p. 1138). None of the five appears in the cumulative scenario, and 500 MW of the 1,400 is queued at the substation this project's own 1.1-mile gen-tie terminates at (PDF p. 1137). The record states no location for either, so no distance is claimed here; the shared point of interconnection is the relationship, and section 15130(b)(2) provides that in deciding whether to include a related project on the list, the "factors to consider ... should include the nature of each environmental resource being examined, the location of the project and its type."

The six-mile radius does not explain the omission, because staff wrote its own exception: "Projects located outside the six-mile radius could still contribute to regional cumulative impacts due to their size and resource demands, and were included based on the potential to cause related cumulatively considerable impacts" (PDF p. 1226). Twenty-six of the 156 rows lie beyond six miles, reaching 17.69 miles for a single exploratory natural gas well (PDF p. 1251), and not one of the twenty-six is an energy storage project — while Appendix A's own reference list cites "California ISO. Cluster 15 Interconnection Requests," accessed July 9, 2025 (PDF p. 1229). Table 8-2's queue report was accessed May 7, 2026 (PDF p. 1167), about ten months later, but both tables sit in one document docketed July 15, 2026. Even discounted by staff's own figure that "only 19 percent of projects that enter the queue are eventually constructed" (PDF p. 1138), $1,400 \times 0.19 = 266$ MW, about 89 percent of the 300 MW project under review. Add these projects, redo the cumulative analyses, and recirculate.

One limit, stated plainly: a queue position is not a project under permit review, and no application or parcel for any Table 8-2 project appears in this record, so the Commission may find some of the 1,400 MW is not a "probable future project" under section 15130(b)(1)(A). That does not touch 6.1 through 6.5, each of which concerns a project already in Table A-1.

7. Visual Resources, the Override Findings, and Environmental Justice

Visual resources is the only significant and unavoidable impact the Staff Assessment identifies (SA § 11.1, PDF p. 1216). The whole override turns on it.

7.1 The significance determination turns on a rating the Staff Assessment never explains.

Nine times the Staff Assessment attributes a key observation point conclusion to a table: "For the purpose of the CEQA Guidelines, and as set forth in Table 15 in the worksheet, this combination of ratings yields a conclusion that ..." (SA § 5.15.2.2, PDF pp. 854–861). Table 15 is not a threshold. It reproduces the CEQA Guidelines' definitions of significant effect, less-than-significant effect with mitigation, and less-than-significant effect, and supplies no rule converting ratings into any of them (SA PDF p. 919).

The worksheet's only conversion device is Table 14, which staff's nine conclusion sentences never cite. Table 14 aligns "Dominant" and "Prominent" with "Significant Effect," and "Conspicuous," "Apparent" and "Unobtrusive" with "Less Than Significant Effect" (SA PDF p. 918). Across all nine points that mapping holds without exception: the six points rated "prominent" or "dominant" are the six found significant, the three rated "unobtrusive" are the three found less than significant, and no point was rated "conspicuous" or "apparent" (SA PDF pp. 854–861). The outcome therefore turns on a single input, the Magnitude of Change rating — and that is the one rating in the worksheet assigned with no criteria and no scoring. Project Prominence is scored on a point scale (Tables 7 through 10, where a total of 16 to 23 points yields "Moderate"). Visual Absorption Capability is worked through a rated questionnaire (Tables 11 and 12). Magnitude of Change has only the five descriptive definitions in Table 13 (SA PDF p. 918) and staff's narrative.

At KOP 3 and KOP 4 staff recorded the same two scored inputs: "the project prominence ... is rated moderate. The visual absorption capability of the landscape also is rated moderate" (SA PDF pp. 857, 858). KOP 3 is significant; KOP 4 is not. The difference is the Magnitude of Change rating — "prominent" at KOP 3, "unobtrusive" at KOP 4 — and staff supports that difference only by restating Table 13's definition of the rating it chose. (The two points are not identical in every respect: KOP 4 evaluates the non-jurisdictional gen-tie span of I-80 at approximately 940 feet, KOP 3 the jurisdictional facility at approximately 650 feet. That is a reason the ratings could properly differ; it is not a stated rule for assigning them.) Staff quotes the governing rule and does not perform it: "When using a threshold, the lead agency should briefly explain how compliance with the threshold means that the proposed project's impacts are less than significant" (Guidelines § 15064(b)(2), as quoted by staff at SA PDF pp. 842–843).

Questions for the Commission:

- What decision rule converts the Magnitude of Change rating into a significant or less-than-significant effect?
- What criteria are used to assign "dominant," "prominent," "conspicuous," "apparent," or "unobtrusive," and can those criteria be applied consistently at all nine KOPs with the work shown?

7.2 Construction is not analyzed under criteria (a), (b) or (c), and § 5.15.2.3 reaches two opposite cumulative conclusions.

Every impact heading under Appendix G criteria (a), (b) and (c) reads "Permanent Facility," and across SA pp. 5.15-8 to 5.15-26 (PDF pp. 844–862) the word "construction" appears zero times. Construction is analyzed in Section 5.15 only under criterion (d), light and glare, which alone carries a "Construction and Operation of Permanent Facility" heading (SA PDF p. 890). Section 5.15.2.3 nonetheless states that "the proposed project would have a cumulatively considerable effect on the environment during construction, even with implementation of COCs VIS-1 through VIS-3 and MMs VIS-1 and VIS-2" (SA PDF p. 893). Guidelines § 15130(a) makes the cumulative question whether "the project's incremental effect is cumulatively considerable." Staff answered that question for a construction increment it never measured under criteria (a), (b) or (c), over a 14- to 15-month schedule peaking near 131 workers (SA PDF p. 1218).

Two paragraphs later, in the same subsection, staff concludes the opposite: "the proposed project would not result in a cumulatively considerable effect on the environment during construction and operation" (SA PDF p. 894). The Staff Assessment does not say which statement controls. Section 5.15.4 and Section 11

both proceed as though the second one does, without saying so.

Questions for the Commission:

- Where is construction analyzed under visual criteria (a), (b), and (c), what threshold is applied, and what is the resulting significance determination?
- Which of the two contradictory cumulative-construction conclusions in § 5.15.2.3 is Staff's actual conclusion?

7.3 "Public View" is rated Low at all nine key observation points.

Every summary sheet checks "Low" under Table 5 PUBLIC VIEW (SA PDF pp. 908, 920, 932, 944, 956, 968, 980, 992, 1004). Table 5's Low band covers a view that "includes an agricultural, commercial, industrial, manufacturing, research, and development use area" or one that "includes a small aggregation of dwellings." Its Moderate band covers a view that "includes a rural residential use area and segment of road that serves as the primary access route to it within one mile" (SA PDF p. 911). Seven of the nine points sit on Kilkenny and Byrnes Roads, and the Staff Assessment describes the setting as "surrounded by existing agricultural lands, with rural residences located to the north and west along Kilkenny and Byrnes roads" (SA PDF p. 837). On that description both bands are arguable. Staff states the basis for neither, at any of the nine points, and never explains why the Moderate band was not selected. Public View feeds the Landscape rating, which feeds Visual Absorption Capability, which combines with Project Prominence to produce the Magnitude of Change and, through Table 14, the level of effect (SA evaluation flowchart, PDF p. 852; Table 14, PDF p. 918). Whether a corrected rating would change any conclusion cannot be determined, for the reason given in 7.1.

Questions for the Commission:

- What is the basis for each Table 5 Public View rating?
- Why was "Low" selected where the Staff Assessment itself describes rural residences and primary access roads that appear to fit the "Moderate" category, and how would any corrected rating affect Tables 11 through 14?

7.4 Section 11 leaves the cumulative conflict unresolved and does not track § 15091(a).

Section 11.3's first finding limits the harm to "six key observation points (KOP) (KOP 2a, KOP 2b, KOP 3, KOP 5a, KOP 5b, KOP 5c)" (SA PDF p. 1217). Section 5.15.4 contains no occurrence of "cumulative," and neither of § 5.15.2.3's two contradictory statements about construction (7.2 above) is mentioned anywhere in Section 11. The Commission cannot weigh a cumulative effect the Staff Assessment has not resolved either way.

Section 11 is staff's recommendation, so no violation has occurred yet. But the findings the Commission adopts must satisfy Guidelines § 15091(a) — "one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding" — and § 15091(f), under which a § 15093 statement "does not substitute for the findings required by this section." Section 11.3 makes no § 15091(a)(1) finding, although staff adopted COCs VIS-1 and VIS-2 and concluded they "would reduce the primary BESS site's impact on the visual character or quality of public views of the site and its surroundings ... but not to a level that would be less than significant" (SA PDF p. 898) — the substantial lessening that subdivision (a)(1) describes. And its second finding, "No feasible mitigation measures were identified in the Staff Assessment that could mitigate or avoid the project's significant effects on visual resources," states no reasons: to the extent the Commission rests on subdivision (a)(3), § 15091(c) requires that the finding "describe the specific reasons for rejecting identified mitigation measures and project alternatives."

Questions for the Commission:

- How will Staff resolve the contradictory cumulative statements in § 5.15.2.3 and carry the final cumulative conclusion into Section 11?

- How will the findings address § 15091(a)(1) and, if mitigation or alternatives are rejected, the specific-reasons requirement in § 15091(c)?

7.5 Section 6 states no threshold, and the screen it uses instead makes the inquiry derivative.

All sixteen technical sections in Section 5 contain a "Methodology and Thresholds of Significance" subsection. Section 6 has four headings and none. It names a comparison method once, "the composition of the significantly affected population was compared to data for the 'general population' ... For this analysis, Solano County is used as a comparison population to determine whether effects are disproportionate" (SA PDF p. 1093), and then does not perform it. After that sentence, "Solano County" appears once more in Section 6.3, in the noise discussion (SA PDF p. 1096), and no page compares the composition of an affected population to the county.

What does the work instead is a screen: "For impacts found to be less than significant, less than cumulatively considerable, or classified as 'No Impact' ... further evaluation of the potential for disproportionately high and adverse effects ... would not be needed" (SA PDF pp. 1093–1094). That screen makes the environmental justice inquiry wholly derivative of the CEQA significance conclusions: no distributional question is asked about any impact already graded less than significant, however that grade was reached. The cost is on the page. The Asthma, Low Birth Weight Infants, and Cardiovascular Disease subsections (SA PDF pp. 1098–1099) are word-for-word identical below their opening definitions, and none of the three names an EJ population, a block group, or the Solano County comparison Section 6 said it would make.

Questions for the Commission:

- Where is the affected-population comparison with Solano County that Section 6 states it will perform?
- What criterion determines when a difference becomes disproportionate, and what community-specific analysis supports the Asthma, Low Birth Weight Infants, and Cardiovascular Disease subsections?

7.6 Section 6 answers a toxic-release question without disclosing one modeled number.

Section 6 addresses the risk of a battery fire emitting toxic gases and disposes of it on a distance: "The nearest EJ population is approximately 0.5 miles from the project site; therefore, no disproportionate impacts to an EJ population would occur" (SA PDF p. 1096). Its only other treatment of the subject is one sentence — "The potential risk associated with project-related toxic emissions would be less than significant with mitigation" (SA PDF p. 1098). The words "Appendix D," "AEGL" and "Hazard Index" appear zero times in Section 6.

Appendix D states a "Maximum Distance to HI greater than 1.0" of 2,412 feet (SA PDF p. 1339); Section 5.10 states an AEGL-1 exceedance for one-hour nitrogen dioxide "within 2,029 ft (0.38 miles)" (SA PDF p. 756). On staff's own figures the exceedance zone does not reach the EJ block group, and we do not argue otherwise. The defect is the undisclosed margin: $2,412 \div 5,280 = 0.457$ miles; a 0.5-mile screen is 2,640 feet; $2,640 - 2,412 = 228$ feet, or 8.6 percent. The receptor inventory is also inconsistent — Appendix D's Table 9 lists eleven receptors and has no "South 4" (SA PDF p. 1331), while all four of Attachment 1's receptor tables model twelve, South 4 included (SA PDF pp. 1366, 1367, 1371, 1372).

Questions for the Commission:

- What does an overlay of the HI=1.0 contour on Figures 6-1 and 6-2 show?
- Which receptor inventory is correct, what is the measured distance to the nearest EJ population, and what evidence supports that distance?

7.7 The one significant and unavoidable impact is dismissed on an unsupported sentence.

Section 6 concedes the impact, then rules it out. The impact "would primarily affect travelers on Kilkenny Road and Byrnes Road, and a very few residential properties immediately north of the project site." But "[t]he boundary of the nearest EJ block group (Block Group 1; Census Tract 2533) is approximately 0.5 miles east of the project site and the views toward the project from that block group would be substantially screened by intervening vegetation, rural residences, and agricultural buildings" (SA PDF pp. 1099–1100).

Section 5.15 excludes viewer identity, "The assessment was done in terms of aesthetics, not the sensitivity of the viewer to the physical change (viewer sensitivity)" (SA PDF p. 851), so its findings cannot answer a viewer-specific question. Section 6 concedes the impact falls on travelers on two roads, then measures the distance to a block-group boundary, and never asks whether residents of that block group are among those travelers. The screening statement is supported by no analysis in the record: Section 5.15's only figures are a study-area map, a KOP location map, the KOP photographs and simulations, and a night-sky figure (Figures 5.15-1 through 5.15-12). It contains no viewshed map, no terrain profile and no line-of-sight analysis. Staff did prepare a full worksheet and simulations for KOP 6, at the Sacramento Valley National Cemetery 1.75 miles away (SA PDF p. 861). Because this is the one impact the Staff Assessment deems significant, *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502 applies by its terms: "A conclusory discussion of an environmental impact that an EIR deems significant can be determined by a court to be inadequate as an informational document without reference to substantial evidence."

Questions for the Commission:

- What would a KOP evaluation, simulation, and viewshed map from a publicly accessible location within Block Group 1, Census Tract 2533 show about the significant visual effect and its distribution?
- What evidence supports the current conclusion without such an analysis?

7.8 Relief on the override.

The findings under Guidelines § 15091 and the statement under § 15093 should not be made on the record as circulated, because that record does not establish what the significant effects are: it states no criteria for the one rating that decides them (7.1), never analyzes construction under the criteria that produced them (7.2), and says both that the construction effect is cumulatively considerable and that it is not (7.2, 7.4). Correct 7.1 through 7.7 in an Updated Staff Assessment, recirculate under Guidelines § 15088.5, and make the findings on the corrected analysis.

8.Remaining Resource Sections

Each item below is a discrete point on a Staff Assessment section not addressed above, and requires its own written response.

No. SA section Defect, record, and relief

No.	SA Section	Defect, Record, and Questions
8.1	5.2 Biological Resources	A battery fire "would be expected to pose a high risk to special status species" (SA § 5.2, PDF p. 318), yet none of the section's seven stated thresholds (PDF p. 278) is applied to it, and the conclusion — "would likely be reduced to less than significant" (PDF p. 319) — is the only significance conclusion in Section 5.2 hedged by "likely"; the other fourteen read "would be reduced to less than significant." COC BIO-21 directs the owner, after certification, to "Identify the established regulatory or peer reviewed toxicity thresholds" and, "[w]here thresholds are not established," to devise "a scientifically defensible evaluation framework" (PDF p. 381). That defers the standard itself, not its details (CEQA

		Guidelines § 15126.4(a)(1)(B)). Questions: What numeric ecological toxicity thresholds govern BIO-21 before certification? Which constituents of concern from the UL 9540A unit-level fire test report in TN 268368 were used, and how do they affect the significance conclusion?
8.2	5.3 Climate Change and GHG	Staff adopted the 900 MTCO ₂ e per year threshold to test whether the project "[g]enerates GHG emissions, either directly or indirectly, that may have a significant impact on the environment" (SA § 5.3.2.1, PDF p. 407), then applied it to direct emissions only: "direct GHG emissions of approximately 171 MTCO ₂ e per year ... less than CAPCOA's threshold" (PDF p. 414). The same table reports "Indirect GHG Emissions 8,913" (Table 5.3-1, PDF p. 410). $8,913 \div 900 = 9.90$; $171 + 8,913 = 9,084$, and $9,084 \div 900 = 10.09$. Staff compares neither figure to the threshold. The indirect emissions are instead absorbed into the same table's "Total Net Emissions -159,546 to -220,428" line, a figure reached only by subtracting the avoided-emissions estimate that item 8.3 below shows no condition of certification secures. Relief: apply the adopted threshold to the 9,084 MTCO ₂ e per year staff quantified, state whether it is exceeded, and state the basis for netting the avoided-emissions estimate against it (see § 15064.4(b)(2)).
8.3	5.3 Climate Change and GHG	Section 5.3's conclusions, and the Public Resources Code section 21183 finding at SA § 10 (PDF p. 1210), rest on a credit nothing requires: "[a]ssuming up to 365 charging and discharging cycles per year, the proposed BESS system could displace GHG emissions ranging from 168,630 to 229,512 MTCO ₂ e annually" (PDF p. 412). But "CEC staff does not recommend any additional conditions of certification related to climate change and GHG emissions" (PDF p. 418), and Section 9, Compliance Conditions (PDF pp. 1174-1197), contains no occurrence of "GHG" or "greenhouse." Because that estimate is what carries the significance conclusion, it is functioning as mitigation, and mitigation measures "must be fully enforceable through permit conditions, agreements, or other legally-binding instruments" (§ 15126.4(a)(2)) — as Section 10 itself represents, "[u]pon certification, the applicant will be subject to all mitigation measures in the form of conditions of certification" (PDF p. 1210). Questions: If the avoided-emissions credit is necessary to the significance conclusion, what enforceable requirement assures the assumed MWh charged/discharged, cycles, efficiency, and displaced emissions? If no such requirement exists, on what basis can the credit remain in the significance determination?
8.4	5.4 Cultural and Tribal Cultural Resources	Section 5.4.2.3 answers a cumulative question with a project-level answer: the COCs "would reduce any project-specific impacts ... the proposed project would not contribute to a cumulatively considerable impact" (SA PDF pp. 493-494). It names no resource, referring only to "impacts to an unknown resource or unanticipated impacts to a known resource" (PDF p. 493). Yet Section 5.15 finds this project and the Vaca-Dixon Power Center Project together could produce "the perception of the increased industrialization of the landscape along this portion of Kilkenny Road" (PDF p. 893) — the road on which the Catherine Kilkenny Residence, the one CRHR-eligible built-environment resource staff identifies, is located at 5310 Kilkenny Road (PDF p. 488; Table 5.8-2, PDF p. 666). The project-level analysis concedes that the facility "would be in direct line of sight of the historic residence further degrading the original setting" (PDF p. 488) and measures that against enumerated criteria that reach only physical alteration of the resource itself: none of the criteria at PDF pp.

		487-488 reaches the resource's "immediate surroundings," which § 15064.5(b)(1) includes within "[s]ubstantial adverse change." Questions: Where is the project-level and cumulative analysis of the setting effect on the Catherine Kilkenny Residence? What facts and analysis support the conclusion under § 15130(a)(2)?
8.5	5.6 Geology, Paleontology, and Minerals	Section 5.6 states five times that the geotechnical investigation "neither sampled nor evaluated," "did not explore," "did not evaluate," or "did not investigate" the gen-tie line route (SA PDF pp. 522, 542, 546, 552, 555). Staff nonetheless assign the corridor moderate-to-high expansive soil and low-to-moderate liquefaction and settlement potential, each because "CEC staff interprets" surface geologic mapping. Table 5.6-4 nonetheless answers "Yes" — a single conformance entry covering the whole Solano County General Plan Chapter Five block (PDF p. 564) — for Implementation Program HS.I-13, which requires "proposed development to conduct a geotechnical evaluation and incorporated recommendations into project design when located in moderate or higher-hazard areas," and HS.I-12, which requires a State-certified Engineering Geologist's report (PDF pp. 566-567), resting instead on the future investigation COC GEO-1 requires. 20 CCR § 1879(a)(2) requires the Staff Assessment to address conformity now. Questions: How can Staff make the present conformance and significance findings without a site-specific geotechnical investigation of the CEC-jurisdictional gen-tie alignment? What evidence supports deferring that investigation until after certification?
8.6	5.9 Noise and Vibration	The mitigated gen-tie construction noise level at the nearest residence is never stated. "Unmitigated construction noise from gen-tie activities at Rec02 would reach up to 79 dBA Leq (Option 1) and up to 87 dBA Leq (Option 2)" (SA PDF p. 724); COC NOISE-6 requires barriers "capable of reducing the gen-tie construction noise by at least 15 dBA" (PDF p. 734). $87 - 15 = 72$. Ambient at Rec02 is "approximately 61 dBA Leq" (PDF p. 723); $72 - 61 = 11$. The County standard is "Noise exceeding 65 dBA at any property line" (PDF p. 716); $72 - 65 = 7$. Staff acknowledge that "[t]he Solano County Code does not establish specific exemptions for construction activities" and decline to apply it because "construction noise is temporary and intermittent and is generally evaluated qualitatively in environmental analyses" (PDF p. 721), then certify "Yes," conformance with that ordinance in Table 5.9-6 (PDF p. 730). Section 5.9 reports no construction noise level at any property line. Questions: What is the mitigated construction-noise level under each gen-tie option at Rec02 and at the applicable property lines? How is that level reconciled with the cited County standard, and what enforceable numeric performance standard in NOISE-6 assures compliance?
8.7	5.9 Noise and Vibration	Table 5.9-5 assesses gen-tie construction vibration at "185 feet away (Rec02)" (SA PDF p. 728), while the section states Rec02 is "approximately 100 feet south of Gen-Tie Option 1 and approximately 40 feet south of Gen-Tie Option 2" (PDF p. 723). The figure 185 appears nowhere else in the section, and the noise model used the shorter distance: $87 - 79 = 8$ dBA, and spreading from 100 to 40 feet is $20 \times \log_{10}(2.5) = 7.96$ dBA. Carried from 185 feet to 40 feet using the attenuation formula in the cited Caltrans manual — $PPV = PPV_{ref} \times (25/D)^n$ with $n = 1.1$ (Caltrans 2020, Eq. 12) — the tabulated upper-bound 0.01 in/sec becomes $0.01 \times (185/40)^{1.1} = 0.01 \times 5.39 = 0.054$ in/sec: still below the 0.10 in/sec limit staff apply, but above the 0.04 in/sec "distinctly perceptible" level for continuous/frequent intermittent sources in the same

		manual's Table 20. No reference velocities, equipment, or exponent is disclosed, so the table cannot be checked at any distance. Questions: What is the vibration result when calculated at the stated 100-foot and 40-foot distances, and what reference velocities, equipment assumptions, and attenuation exponent produce that result?
8.8	5.14 Transportation	Section 5.14 adopts one quantified threshold — 14.8 VMT per employee per day (Table 5.14-3, SA PDF p. 827) — and never applies it to operations. The operations determination reads: "The project-generated VMT during operations would be negligible" (PDF p. 828). "Negligible" is not an "identifiable quantitative, qualitative or performance level" (§ 15064.7(a)), and § 15064.3(b)(4) provides that "[a]ny assumptions used to estimate vehicle miles traveled ... should be documented and explained in the environmental document prepared for the project." No operational trip length, VMT total, or comparison to 14.8 appears. Questions: What is the operational VMT calculation, how does it compare with the adopted 14.8 VMT/employee/day threshold, and if Staff relies instead on OPR's small-project screen, what operational trip count supports that screen? The Staff Assessment states a construction peak-day figure, "an estimated maximum of 678 daily trips" (SA § 3, PDF p. 64), but no operational one.
8.9	SA § 8 Alternatives	Staff found that the Lambie Industrial Park Alternative "would meet the applicant's stated minimum size requirements" and "would attain the project objectives of developing a BESS that supports grid stability and the efficient use of renewable energy to meet California's RPS goals," and that a longer gen-tie "would not render the alternative infeasible" (SA § 8.8.2, PDF p. 1143), leaving the environmental comparison to carry the rejection. That comparison is internally inconsistent. Table 8-3 rates the alternative "Less (NI)" against the project's "SM" on two land use rows (PDF p. 1164). Section 8.9 states that construction at Lambie "would also avoid the conversion of Important Farmland associated with the proposed project" (PDF p. 1159), while the same Table 8-3 rates the alternative "Similar (SM)" to the project on the row for conversion of "Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use" (PDF p. 1164). Four adverse conclusions rest on "rolling hills that would require more grading" (PDF pp. 1144, 1145, 1149) while the same subsection calls the site "relatively flat" with no "significant slopes" (PDF p. 1148); Section 8 gives no elevation data for Lambie. Questions: What does the § 15126.6(d) comparison show when Lambie is evaluated using the same analytical tools Staff used for Corby, including a LESA analysis? How are the farmland and topography inconsistencies in the current alternatives comparison reconciled?