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Water Quality Deficiencies

Additional submitted attachment is included below.



Water Quality Public Comment – Corby BESS Project (CEC Docket No. 24-OPT-05)

TO: California Energy Commission

RE: Draft Environmental Impact Report

To the California Energy Commission Siting Committee and Staff,

We are writing to submit formal comments on the Draft Environmental Impact Report (EIR) / Staff Assessment regarding groundwater quality, dewatering risks, and baseline testing.

CEQA Criterion (a) specifically asks whether the project would violate water quality standards. However, the Staff Assessment answers this question without identifying a single water quality standard. Key regulatory frameworks like the Central Valley Water Board's "Basin Plan," "water quality objectives," and state "antidegradation" policies appear zero times in the relevant environmental analysis sections.

With shallow groundwater located just 7.5 feet below the surface at the site, construction dewatering is an absolute certainty, not a hypothetical scenario. Staff's plan relies entirely on allowing the project owner to discharge dewatering runoff under the state Construction General Permit if the water is "found to be uncontaminated."

The problem is that nothing in the proposed Conditions of Certification (COCs) actually requires anyone to test the groundwater to make that determination:

No Dewatering Controls: None of the proposed water conditions (COCs WATER-1 through WATER-5) even contain the word "dewatering."

Inadequate Testing Requirements: The General Permit incorporated by WATER-1 only requires testing for pH and turbidity within the first hour of discharge. It requires zero testing for heavy metals or chemical contaminants.

Ignored Agency Warnings: The Solano Irrigation District specifically alerted the Commission (TN 267641) that areas within Solano County have documented high chromium levels in groundwater that forced wells to be decommissioned, requesting a full analysis of groundwater pumped at the project site.

Zero Baseline Data: The word "chromium" appears only once in the entire 1,402-page document in a generic list, concluding without evidence that the project will not degrade water quality beyond "baseline conditions." Yet, no baseline groundwater testing exists in the record. This directly ignores the Central Valley Regional Water Quality Control Board's explicit directive (TN 267583, p. 2), which stated:

"The environmental review document should evaluate potential impacts to both surface and groundwater quality. Discharge of waste of water quality constituents must be evaluated as measured by background concentrations and applicable water quality objectives"

Because the CEC failed to measure these "background concentrations" before issuing the Draft EIR, the claim that the project will not degrade baseline water quality is completely unsupported by evidence.

Exposing our local groundwater and surrounding agricultural land to untested, potentially contaminated dewatering discharge is a direct threat to our community's water supply.

Before any ground disturbance or project approval occurs, **the CEC must directly address this gap and commit to the following mandatory actions in the Final EIR:**

1. Mandatory Pre-Disturbance Groundwater Baseline: Require complete, site-specific baseline groundwater characterization, specifically testing for total chromium and hexavalent chromium, prior to any ground-disturbing activities.

2. Adopt a Dedicated Dewatering Condition (COC WATER-6): Draft and enforce a new Condition of Certification (COC WATER-6) governing all dewatering operations. This must require full chemical characterization of water before discharge, designate explicit discharge points, and enforce strict discharge limits tied directly to Central Valley Basin Plan objectives.

3. Formal Agency Responses: Issue complete, formal written responses to both the Solano Irrigation District and the Central Valley Regional Water Quality Control Board addressing their unfulfilled requests for baseline water quality data.

4. CEQA Significance Justification: Explain how the CEC can legally conclude under CEQA that dewatering impacts are "less than significant" when the record contains zero baseline testing for known local contaminants like chromium.

Solano County residents and farmers rely on clean groundwater. Allowing construction dewatering without baseline testing or specific chemical limits is an unacceptable risk. I urge the Commission to mandate baseline testing and adopt strict dewatering conditions before moving this project forward.

Sincerely,

Keep Vacaville Safe