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**STAFF’S TREATMENT OF SOLANO COUNTY WATER
AGENCY’S 2025 SCOPING COMMENTS, MEANINGFULNESS OF
THE DRAFT EIR ANALYSIS, AND THE DIREC**

Additional submitted attachment is included below.

CALIFORNIA ENERGY COMMISSION
Corby Battery Energy Storage System Project
Docket No. 24-OPT-05

**COMMENTS REGARDING STAFF'S TREATMENT OF SOLANO COUNTY WATER
AGENCY'S 2025 SCOPING COMMENTS,
MEANINGFULNESS OF THE DRAFT EIR ANALYSIS, AND THE DIRECTIONAL EFFECT
OF OMITTED ANALYSIS**

Submitted by Linda Geller

September 13, 2026

I. Purpose of These Comments

These comments address a narrow administrative-record issue: whether the Staff Assessment/Draft EIR meaningfully addressed the specific flood-control and hydrology concerns that the Solano County Water Agency (SCWA) provided to CEC during scoping on November 19, 2025. The issue is not whether the Draft EIR mentions Gibson Canyon Creek, the Ulati system, storm events, or detention basins. It does. The question is whether Staff performed the analysis SCWA actually asked CEC to perform before Staff reached less-than-significant conclusions.

SCWA's September 11, 2026 letter is especially important because it shows that several of the concerns it raised at scoping remained unresolved after publication of the Draft EIR. SCWA again identified the 230-kV crossing of its flood-control channel and easement, the need to preserve access for heavy maintenance equipment, and the need for additional review. SCWA also stated that it had not had adequate time to review the Staff Assessment/Draft EIR.

II. What SCWA Asked CEC to Analyze During Scoping

SCWA's November 19, 2025 scoping letter did not merely request generic consideration of water resources. It identified specific analytical subjects for the Draft EIR, including:

- Acknowledgment that Gibson Canyon Creek was designed and constructed to control a storm with a 10-year recurrence level.
- A pre- and post-project hydrology assessment for both 10-year and 100-year storm events using current climate-adjusted rainfall data.
- A demonstration that the Project would not increase downstream peak flow, runoff volume, or runoff duration, together with clear identification of site drainage, detention-basin outlets, and downstream flow paths.
- Analysis of the short- and long-term effects of the proposed overhead transmission crossings, including the crossings identified by SCWA around Pole Locations 8-9 and 6-5, on SCWA's ability to operate and maintain Gibson Canyon Creek using heavy equipment.
- Cumulative analysis of probable future upstream development and its effect on Gibson Canyon Creek conveyance capacity.

Source: Solano County Water Agency, Scoping Comments for Draft Environmental Impact Report, Nov. 19, 2025, TN 267678.

III. The Draft EIR Addresses Pieces of SCWA’s Concerns, but Not the Full Analysis SCWA Requested

A. Staff Mentions 10-Year and 100-Year Storms, but Does Not Show the Requested Pre/Post Hydrology Demonstration

The Water Resources section states that the Project would create approximately 14 acres of impervious surface within the overall Project footprint. It states that two unlined detention basins would be used and that they are designed to retain the 10-year, 24-hour storm volume and control flows including the 100-year, 24-hour storm.

However, that is not equivalent to the hydrologic demonstration SCWA requested. The Water Resources analysis does not appear to present a disclosed, numerical comparison of pre-project versus post-project 10-year peak flow, pre-project versus post-project 100-year peak flow, runoff volume, runoff duration, or a climate-adjusted rainfall basis. Nor does it show how those variables translate into downstream conditions at Gibson Canyon Creek.

Staff nevertheless concludes that the Project would not be expected to cause offsite flooding because stormwater would be captured by detention basins and further addressed through the future operational Drainage, Erosion, and Sedimentation Control Plan (DESCP). The administrative record should explain how that conclusion was reached without the specific quantitative analysis SCWA requested.

B. The 10-Year Design Limitation Is Recognized Elsewhere, but Is Not Meaningfully Incorporated into the Water-Resources Significance Analysis

The Staff Assessment demonstrates that Staff knew the Ulati flood-control system was associated with a 10-year design basis. In the Cultural and Tribal Cultural Resources discussion, Staff states that the Ulati Project was constructed to alleviate 10-year storm flooding and that operations and maintenance of the system later fell to SCWA.

Yet the Water Resources significance analysis emphasizes FEMA floodplain mapping and the fact that most of the BESS parcel is outside a 100-year special flood hazard area. Those facts answer a different question. A parcel can be outside a FEMA 100-year floodplain while the downstream receiving infrastructure has a more limited design capacity. SCWA specifically asked CEC to evaluate the Project in light of the receiving system’s 10-year design condition.

The record should therefore explain where Staff evaluated the relationship between Project runoff and the actual conveyance capacity of the SCWA flood-control system, rather than treating FEMA flood-zone status as a substitute for that analysis.

C. The Heavy-Equipment / Transmission-Crossing Concern Does Not Appear to Have Been Meaningfully Analyzed

SCWA specifically warned during scoping that the proposed overhead crossings could affect its ability to access and maintain Gibson Canyon Creek with heavy equipment. The concern was operational and long-term: SCWA must be able to use front loaders, long-reach excavators, tractors, and similar equipment within its flood-control corridor.

The Staff Assessment describes the 230-kV gen-tie, pole heights, overhead and underground portions, and PG&E’s role in constructing and operating portions of the line. It also contains numerous references to ‘heavy equipment,’ but those references principally concern Corby construction, noise, biology, and alternatives. They do not appear to analyze whether the completed 230-kV crossing would constrain SCWA’s maintenance equipment, required clearances, emergency access, or long-term channel maintenance.

The absence is especially notable because SCWA repeated this same concern in its September 11, 2026 filing. That sequence suggests that the issue was not meaningfully resolved in the Draft EIR after SCWA first raised it during scoping.

D. The Requested Cumulative Conveyance-Capacity Analysis Is Not Apparent

SCWA also asked CEC to consider probable future upstream development and its effect on Gibson Canyon Creek conveyance capacity. The Water Resources section discusses existing drainage, FEMA flood mapping, detention basins, SWPPP/DESCP requirements, and Appendix G thresholds. It does not appear to present a cumulative hydrologic analysis of future upstream development, remaining channel capacity, and the Project's contribution to that cumulative condition.

An onsite detention conclusion is not necessarily a substitute for the cumulative question SCWA raised: what is the condition of the receiving flood-control system when Project runoff, future upstream development, existing flooding constraints, and continued maintenance requirements are considered together?

IV. The Missing or Superficial Analysis Did Not Operate Neutrally

The practical effect of the omitted or incomplete analysis should be stated plainly. The missing analytical steps generally made it easier for Staff to reach less-than-significant conclusions for the proposed Corby site.

Had Staff meaningfully performed the analysis SCWA requested, the significance determination would have had to test additional variables that could reveal greater impact: the receiving system's 10-year design basis; quantitative pre/post runoff changes; downstream peak flow, volume, and duration; climate-adjusted precipitation assumptions; remaining conveyance capacity; cumulative upstream development; and the possibility that the 230-kV line could constrain SCWA's ability to maintain the flood-control channel.

Instead, the published analysis relies primarily on onsite detention, future stormwater plans, FEMA mapping, and generalized runoff-control assumptions. The effect of excluding the SCWA-requested tests is therefore directional: potentially adverse conditions are left outside the significance analysis while assumptions favorable to a less-than-significant conclusion remain.

This comment does not attribute motive to Staff. The issue is analytical effect, not intent. When an affected public agency identifies specific technical constraints during scoping, and the Draft EIR later reaches a less-than-significant conclusion without visibly performing those tests, the administrative record should explain why those tests were unnecessary or where they were performed.

V. SCWA's September 11, 2026 Letter Shows These Are Not Newly Invented End-of-Period Concerns

SCWA's September 11, 2026 filing should not be treated as a new issue raised at the end of the comment period. Several of its concerns substantially repeat matters SCWA placed before CEC during scoping in November 2025. The September 2026 letter therefore raises a different administrative-record question: why were concerns supplied before preparation of the Draft EIR still being raised by the responsible flood-control agency after the Draft EIR had been published?

That question is particularly significant where the Project's 230-kV gen-tie physically crosses SCWA-controlled flood-control infrastructure and SCWA states that continued operation and maintenance of those facilities requires substantial heavy equipment.

VI. Questions for the Administrative Record

1. Where is the pre- and post-project 10-year and 100-year hydrology comparison requested by SCWA, including peak flow, runoff volume, and runoff duration?
2. What rainfall data were used for that analysis, and were those data adjusted for current or projected climate conditions as SCWA requested?

3. Where does the Draft EIR evaluate the Project against the 10-year design basis of the Gibson Canyon Creek / Ulati flood-control system rather than relying primarily on FEMA flood-zone status?
4. What is the remaining conveyance capacity of the affected SCWA channel under existing and reasonably foreseeable future conditions?
5. Where does Staff analyze whether upstream development, together with Corby, could cumulatively affect that conveyance capacity?
6. Where does Staff evaluate whether the 230-kV crossings could restrict SCWA's use of long-reach excavators, front loaders, tractors, or other equipment needed to maintain flood-control capacity?
7. What minimum electrical clearances, work-zone limitations, access restrictions, or PG&E safety requirements would apply to SCWA maintenance beneath or adjacent to the gen-tie?
8. If those issues were not analyzed before publication of the Draft EIR, what evidentiary basis supports the less-than-significant runoff, flooding, and flood-flow conclusions?
9. If information supplied by SCWA after publication materially changes any of those conclusions or requires substantially different mitigation, has CEC evaluated whether recirculation is required under CEQA Guidelines section 15088.5?

VII. Administrative-Record Questions Preserved by These Comments

These comments preserve the unresolved question whether the Draft EIR's less-than-significant conclusions were reached after actually testing the specific hydrologic, flood-control, cumulative-capacity, and maintenance-access concerns SCWA identified during scoping, or whether those concerns remained outside the analysis that supported Staff's conclusions.

References

- Solano County Water Agency, Scoping Comments for Draft Environmental Impact Report, Nov. 19, 2025, TN 267678.
- California Energy Commission, Corby Battery Energy Storage System Project Staff Assessment / Draft EIR, July 15, 2026, TN 271468, especially Water Resources § 5.16 and Transmission System Engineering § 4.3.
- Solano County Water Agency, Sept. 11, 2026 docket filing concerning Corby BESS, TN 272608.
- CEQA Guidelines, Cal. Code Regs., tit. 14, § 15088.5.