

DOCKETED

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Comment Received From: Neil Serr
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Docket Number: 24-OPT-05

Approval should be placed on hold

Additional submitted attachment is included below.

California Energy Commission

Docket No. 24-OPT-05

Corby Battery Energy Storage System Project

Re: Opposition to Approval of the Corby BESS Project at the Kilkenny Road/Byrnes Road Site — Request for Completion of All Required Reviews, Approvals, Easements and Fire-Safety Requirements and Full Evaluation of Lambie Industrial Park

Dear California Energy Commission Commissioners and Staff:

I am writing to respectfully but strongly oppose approval of the proposed Corby Battery Energy Storage System (BESS) Project at the Kilkenny Road/Byrnes Road location unless and until all outstanding environmental, public safety, fire protection, land-use, agricultural, transportation, water, hazardous-materials, emergency-response, permitting, easement and compliance issues have been fully addressed.

I support renewable energy and energy storage when it is appropriately located, properly designed, and demonstrated to be safe. My objection is to approving this particular project at this particular location before all necessary requirements have been completed and before a more appropriate alternative, such as Lambie Industrial Park, has been fully and fairly evaluated.

Approval Should Not Occur Before All Outstanding Requirements Are Completed

I respectfully request that the CEC **not issue a final approval or certificate authorizing construction until every required condition, approval, agreement, easement, permit, technical review and safety requirement applicable to the project has been completed, documented and verified.**

This should include, at a minimum:

- All required property, access, utility, transmission and gen-tie easements and rights-of-way.
- Verification of all required agreements with affected utilities and property owners.
- All required fire-protection and emergency-response reviews.
- Confirmation that the responsible local fire agencies have had a meaningful opportunity to review the final project design and emergency-response requirements.
- Confirmation of adequate fire-water supply and emergency access.
- Final hazardous-materials and battery-fire response procedures.
- Emergency response, evacuation and incident-management plans.
- Required transportation and construction-access approvals.
- Required water, stormwater and drainage approvals.
- Required utility and interconnection approvals.

- All other state, federal and local approvals that are legally required and are not superseded by the CEC's opt-in authority.

I recognize that the CEC's AB 205 opt-in authority can supersede certain local and state permits. However, that authority should not be interpreted as a reason to approve the project before the underlying technical requirements, agreements, easements, safety plans and agency coordination necessary to safely construct and operate the facility have actually been completed.

The CEC's own docket demonstrates that fire-agency coordination remains an important issue. CEC staff have met with the City of Dixon Fire Department concerning the Corby BESS project, and the docket continues to contain comments and filings concerning fire-water supply, local fire-agency authority, emergency-response capability and BESS-

specific preparedness. **C** California Energy Commission+1

A proposed mitigation measure or future agreement should not be treated as though it has already been completed.

Before approval, the Commission should require affirmative documentation showing which requirements have been completed, which agency or entity approved them, the date of approval, and any conditions attached to that approval.

Fire Department Review and Emergency Response

Fire safety deserves particular attention because this is a large-scale battery energy storage facility.

The CEC should not rely solely upon generalized statements that emergency procedures will be developed after approval.

Before the project is approved, the Commission should establish that the responsible fire agencies have reviewed the **final** facility design and have sufficient information and resources to respond to a BESS emergency.

This should include, at minimum:

- Firefighter access to the entire facility.
- Adequate emergency roadways and turning areas.
- Fire-water supply and reliability.
- Fire detection and suppression systems.
- Battery thermal-runaway response procedures.
- Potential toxic and hazardous emissions.
- Isolation of affected battery units.
- Emergency shutdown procedures.
- Evacuation and shelter-in-place procedures.
- Mutual-aid requirements.
- Communications between the facility operator and emergency responders.
- Training and equipment requirements for responding agencies.

- Long-duration incident management.

The Commission should also identify, in writing, **which fire agency has final responsibility for responding to an incident at the facility and whether that agency has formally accepted the proposed emergency-response arrangements.**

Easements, Rights-of-Way and Utility Agreements

The project documents themselves identify existing utility easements, including a **100-foot PG&E easement**, and discuss avoiding an existing PG&E gas-transmission-line

easement. **C** California Energy Commission+1

Because the project also requires a transmission connection to the PG&E Vaca-Dixon Substation through an approximately 1.1-mile gen-tie line, the Commission should require clear documentation that all necessary easements and rights-of-way for the complete project have been secured or legally established before construction is authorized.

The public should not be asked to assume that these rights have been secured.

I therefore request that the CEC disclose and verify:

1. Which parcels are subject to easements or rights-of-way.
2. Which easements have been executed.
3. Which easements remain outstanding.
4. Whether any property owner has objected to a required easement.
5. Whether any portion of the project depends upon condemnation or eminent-domain proceedings.
6. Whether all access roads and emergency routes are legally secured.
7. Whether all gen-tie and utility corridors are secured.
8. Whether PG&E and other affected utilities have completed their required approvals.

No construction should begin until all necessary rights-of-way and easements have been legally secured and all affected utilities have approved the applicable facilities.

Agricultural Land

Another major concern is the conversion of agricultural land to a large industrial energy facility.

The CEC should carefully consider whether it is appropriate to permanently convert productive agricultural land when an industrially designated alternative may be available.

Agricultural land is a finite resource. Once converted to an industrial facility, it may be extremely difficult or impossible to return the land to productive agricultural use.

The question should therefore not simply be whether the proposed Kilkenny Road site can physically accommodate a BESS.

The question should be whether this is the **most appropriate location** when the project could potentially be located in an existing industrial area.

Lambie Industrial Park Must Be Fully Evaluated

I strongly recommend that the CEC give serious consideration to **Lambie Industrial Park** as an alternative location.

This is not simply a request for the applicant to find another site. The CEC's own docket shows that Lambie has been raised repeatedly as an alternative, including a recent request specifically asking CEC staff to reevaluate the Lambie Industrial Park alternative.

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The CEC should conduct a genuine side-by-side comparison of the Kilkenny Road site and Lambie Industrial Park.

That comparison should include:

- Agricultural land impacts.
- Residential proximity.
- Fire and emergency-response considerations.
- Emergency access.
- Fire-water availability.
- Utility infrastructure.
- Transmission and interconnection requirements.
- Construction impacts.
- Traffic.
- Environmental impacts.
- Noise.
- Hazardous-material risks.
- Long-term land-use compatibility.
- Costs of required infrastructure.
- Feasibility of obtaining necessary easements and rights-of-way.

If Lambie requires additional infrastructure or transmission improvements, those costs should be compared against the long-term environmental, agricultural and public-safety impacts associated with the proposed Kilkenny Road location.

The CEC should not reject Lambie merely because it may require additional planning or infrastructure without first demonstrating why those additional requirements make Lambie infeasible.

A Better Principle for Siting BESS Facilities

A large BESS facility should be located where its industrial character is compatible with surrounding land uses and where emergency responders can safely manage the facility. An industrially designated location should receive serious preference over the conversion of productive agricultural land when both locations can reasonably accomplish the project's energy-storage objectives.

If the applicant can provide the same energy-storage benefits from a more appropriate industrial location, there is a strong public-interest reason to select that location.

Requested Action

For these reasons, I respectfully request that the California Energy Commission:

1. **Do not approve the Corby BESS Project at the Kilkenny Road/Byrnes Road location at this time.**
2. Require completion and verification of all applicable permits, approvals, agreements, easements, rights-of-way and agency reviews before authorizing construction.
3. Require documented review and acceptance of the final fire-protection and emergency-response plans by the responsible fire agencies to the extent required by law.
4. Require definitive documentation demonstrating adequate fire-water supply, emergency access, firefighter access and emergency-response capabilities.
5. Require that all required utility, transmission, gen-tie, access and property easements be secured before construction.
6. Require the applicant to identify every outstanding approval, permit, easement, agreement or agency review and provide a schedule for completion.
7. Do not treat proposed future mitigation measures as completed requirements.
8. Fully reevaluate **Lambie Industrial Park** as an alternative site.
9. Provide a transparent comparison between the Kilkenny Road site and Lambie Industrial Park.
10. Give substantial weight to the preservation of agricultural land and the advantages of locating a large industrial BESS facility in an appropriately designated industrial area.
11. If significant issues remain unresolved, defer any final approval until those issues have been fully resolved and documented.

Conclusion

I believe California can continue developing renewable energy and battery storage while protecting agricultural land, public safety and the communities where these facilities are located.

I am not asking the CEC to stop responsible energy storage development.

I am asking the Commission to **get the project right before approving it.**

A project of this size and potential risk should not be approved with critical easements, agency coordination, fire-response arrangements, permits, approvals or safety requirements still unresolved.

The Commission should also not overlook a potentially more appropriate industrial alternative such as Lambie Industrial Park.

Please do not approve the Corby BESS Project at the Kilkenny Road/Byrnes Road site until all applicable requirements have been completed, all necessary easements and approvals have been secured, the fire and emergency-response issues have been resolved, and Lambie Industrial Park has received a full and meaningful alternative-site evaluation.

Thank you for considering these comments and for your responsibility to protect public safety, agricultural resources, the environment and the communities affected by this project.

Respectfully,