

DOCKETED

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Final Comments - OPPOSED

Additional submitted attachment is included below.

To: California Energy Commission

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

Dear Commissioners and California Energy Commission Staff:

I am submitting these comments as the final statement of my concerns regarding the proposed Corby Battery Energy Storage System Project.

I want the Commission to understand what this process has meant for those of us who live here. There have been sleepless nights, countless hours away from work and family, and an enormous personal investment of time and energy spent attending meetings, researching the project, educating our neighbors, preparing literature, writing letters, and trying to make sure that the voices of the people who will live next to this facility and in our community are not lost in a regulatory process. We have done this because we believe the stakes are simply too high to remain silent.

The proposed project is not a small or inconsequential development. The CEC describes the proposed project as a 300-MW/1,200-MWh battery energy storage system, with associated inverters, substation, SCADA equipment, sound barriers, roads, retention basins, and a 1.1-mile 230-kV generation tie line, portions of which would be overhead and underground.

I understand that battery energy storage can provide an important service to California's electrical system. My concern is not opposition to energy storage in general. My concern is placing this particular technology, at this scale, immediately adjacent to existing homes and agricultural land when other locations, including industrial locations such as Lambie Industrial Park, have been proposed as alternatives.

As the closest residential neighbor, I believe I am entitled to more than assurances that the project will be "safe." I need to understand exactly what happens if the systems do not perform as expected. **Our community should not have to be the sacrifice zone simply because this location may be convenient for the project.**

The questions I believe the Commission must answer

If there is a serious battery failure, thermal runaway event, fire, explosion, toxic smoke release, evacuation, property damage, or other worst-case incident, who is responsible for protecting my family, my home, and my property?

More importantly, **who pays?**

I respectfully ask the Commission to provide clear answers to the following questions before approving this project.

1. Worst-Case Fire or Thermal Runaway

1. What is the credible worst-case battery fire scenario for this particular project?
2. How many battery containers or units could become involved in a single event?
3. What is the maximum credible duration of a battery fire?
4. Could a fire spread from one battery container to adjacent containers or other project equipment?
5. What happens when firefighters cannot immediately extinguish the event?
6. What is the expected exclusion or evacuation zone for the surrounding residences?

7. How far could smoke, gases, particulate matter, or other combustion products travel under different wind conditions?
8. What substances could be released during a large-scale battery fire?
9. What specific protection is being provided to the residences immediately adjacent to the facility?
10. Has the project evaluated the consequences of a fire occurring during the hottest weather conditions and during unfavorable wind conditions?

2. Toxic Smoke and Public Health

11. If a battery fire produces toxic or hazardous compounds, who determines when nearby residents must evacuate or shelter in place?
12. Who will notify residents?
13. How quickly can residents be notified?
14. What happens if the incident occurs at night?
15. What happens if communications systems fail?
16. What air monitoring will occur during and after a battery fire?
17. Who determines when it is safe for residents to return home if ever?
18. Who pays for air-quality testing inside an affected residence?
19. Who pays if a residence (persons and animals) must be temporarily evacuated?
20. Who pays for cleanup if hazardous materials or contaminated fire water reach neighboring property?

3. Emergency Response

21. Which fire agency has primary responsibility for responding to a major Corby BESS fire?
22. Has that agency confirmed in writing that it has the personnel, equipment, training, water supply, protective equipment, and specialized resources necessary for the worst-case event?
23. Who pays for specialized BESS fire response-training and equipment?
24. Who pays for additional emergency personnel or equipment required because of this facility?
25. What is the expected response time to the site?
26. What happens if the local fire agency is simultaneously responding to another emergency?
27. What happens if multiple battery containers are involved and the incident lasts for many hours or days?
28. Will firefighters be expected to enter the facility, or will the emergency-response strategy rely on isolation and allowing the batteries to burn?
29. What specific emergency-response plan protects the residences immediately across from the project?
30. Will that plan be made available to nearby residents before the facility begins operation?

4. Who Is Financially Responsible?

This is one of my greatest concerns as the closest neighbor.

If the worst-case event occurs, I do not believe neighboring homeowners should be left trying to determine who is financially responsible after the fact.

I therefore ask:

31. Who is legally and financially responsible for damage caused by a Corby BESS fire?
32. Is the project owner required to maintain insurance specifically sufficient to cover catastrophic damage to neighboring homes?

33. What is the minimum amount of liability insurance required?
34. Does that insurance specifically cover thermal runaway, fire, explosion, smoke damage, hazardous-material contamination, evacuation expenses, and property damage?
35. Is there a deductible?
36. Who is responsible if the damages exceed the project's insurance limits?
37. What financial assurance exists if the project owner or operating company becomes insolvent?
38. Will the project owner be required to maintain financial responsibility for the entire operating life of the facility?
39. Who pays for damage to neighboring agricultural land?
40. Who pays for damage to a residence that becomes uninhabitable?
41. Who pays for temporary housing if a neighboring family is forced to evacuate?
42. Who pays for contaminated soil, water, landscaping, structures, vehicles, or personal property?
43. Who pays for cleanup and environmental remediation?
44. If my property becomes more difficult to insure or uninsurable because of the facility, who is responsible for that financial consequence?
45. If my property suffers a significant loss in value because of the presence of this industrial facility immediately across the road, what remedy is available to the affected homeowner?

5. Homeowner's Insurance

46. Has the project applicant contacted insurance carriers to determine whether homeowners immediately adjacent to the project could experience increased premiums or difficulty obtaining coverage?
47. Has the applicant evaluated whether the presence of a large lithium-ion BESS could affect the availability or cost of homeowners insurance?
48. If a homeowner's insurance company increases premiums or refuses to renew coverage because of the nearby BESS, who is responsible for that additional cost?
49. Will the applicant provide financial assistance or compensation for increased insurance costs caused by the project?

6. Noise

50. What will the continuous operating noise level be at my property line and who will be responsible if this constant noise affects our physical and/or mental well-being?
51. What will the noise level be inside my home?
52. How will noise from cooling fans, HVAC systems, inverters, transformers, and other equipment be measured?
53. What happens to the noise level during periods of extreme heat when cooling equipment may operate continuously or at maximum capacity?
54. Will nighttime noise be measured separately from daytime noise?
55. What happens if actual operating noise exceeds the modeled levels?
56. Who is responsible for correcting the problem?
57. What enforcement mechanism exists if noise limits are exceeded?

7. Construction Impacts

58. What will be done to control construction dust immediately adjacent to existing homes?
59. Who will monitor dust levels?
60. What happens if dust enters neighboring homes or agricultural property?
61. Who pays for property cleanup caused by construction dust?

62. How many construction vehicles are expected to pass nearby residences each day?
63. What hours and what days will construction be permitted?
64. What restrictions will apply to nighttime construction?

8. Visual Impacts and Our Home

The proposed sound wall is not simply a line on a project map to my family.

For decades, our property has had an agricultural view toward Mount Diablo. The orchard that once existed in the area has already been removed, and the property was most recently farmed for hay. Even though the orchard was gone, the agricultural setting still allowed us to see Mount Diablo from our front porch.

The proposed project would replace that agricultural view with an industrial facility and a proposed sound wall.

65. What is the actual height and appearance of the proposed sound wall from my front porch?
66. What will the facility look like from our home during the day and at night?
67. What lighting will be visible from our property?
68. What measures will be taken to prevent glare and nighttime light trespass?
69. Who will maintain the landscaping or visual screening over the life of the project?

9. Transmission Infrastructure

The project would also introduce a 230-kV generation tie line, including overhead portions.

70. What additional safety risks are created by the overhead transmission infrastructure for nearby residents and agricultural operations?
71. What are the required setbacks from residences and property boundaries?
72. Who will be responsible for maintaining the transmission structures and lines?
73. What happens if a transmission structure fails or a line falls?
74. Who is responsible for damage caused by a transmission-line failure?
75. How will construction and maintenance of the transmission line affect neighboring agricultural operations?

10. Lighting and Nighttime Visual Impacts

The impact of this project will not end when construction is completed. A large industrial battery facility will introduce lighting into an area that is currently characterized by residential and agricultural uses.

As the closest residential neighbor, I am particularly concerned about the effect of nighttime lighting on our home and property. Lighting from security systems, access roads, battery areas, substations, control equipment, and emergency systems could create a significant change to the nighttime character of our property.

I therefore ask the Commission to specifically address the following:

76. What is the proposed lighting plan for the entire Corby BESS facility, including security lighting, access roads, battery areas, substations, and transmission facilities?

77. Which lights will remain illuminated throughout the night, and which will be activated only when personnel, vehicles, or an emergency are present?
78. What will be the expected nighttime illumination level at my property and at the nearest residences?
79. Has the applicant modeled **light trespass** onto neighboring residential properties?
80. Will any lighting be visible from the windows, bedrooms, front porch, or other outdoor areas of our home and who will be responsible if this constant lighting or night lighting affects our physical and/or mental well-being?
81. What measures will be used to prevent light from shining directly toward neighboring homes?
82. Will lighting fixtures be fully shielded and directed downward?
83. Will motion sensors, timers, dimming controls, or other measures be used to minimize unnecessary nighttime lighting?
84. What lighting will be required during a battery fire, emergency, evacuation, or other abnormal operating condition?
85. Could emergency lighting remain illuminated for hours or days during a prolonged battery incident?
86. How will emergency lighting affect nearby homes during a nighttime emergency?
87. Will the proposed sound wall reduce, reflect, or otherwise alter the amount of artificial light reaching neighboring properties?
88. Will lighting associated with the 230-kV transmission facilities be visible from neighboring residences?
89. What enforcement mechanism will exist if actual nighttime lighting is substantially greater than what is represented in the project's environmental documents?
90. Who will be responsible for correcting excessive nighttime lighting or light trespass if neighboring residents demonstrate that the approved lighting conditions are not being met?
91. Will the Commission require nighttime lighting measurements after the facility becomes operational to verify that actual conditions match the project's predictions?
92. Will the applicant be required to maintain the lighting controls and shielding for the entire operating life of the project?

The change from an agricultural landscape to an industrial facility will already have a substantial visual effect on our property. The addition of nighttime industrial lighting would extend that impact beyond daylight hours.

For a family that has owned our property since 1974, this is not simply a matter of seeing lights from a neighboring business. It represents a permanent change to the nighttime environment immediately across from our home.

I ask the Commission to fully evaluate this impact and establish enforceable limits on nighttime lighting before approving the project.

11. Water and Environmental Contamination

93. What happens to the water used during a major battery fire?
94. Where would contaminated firefighting water go?
95. Could contaminated water enter agricultural drainage systems, groundwater, retention basins, or neighboring properties?
96. What containment capacity is available for the worst-case fire?
97. Who pays for environmental testing and remediation if contamination leaves the project site and who will be responsible when it is discovered that this contamination affects our physical and/or mental health and well-being?

12. Decommissioning and Abandonment

98. What happens if the project ceases operation before the end of its expected life?
99. Who is responsible for removing all batteries, electrical equipment, foundations, transmission infrastructure, and other improvements? What financial assurance guarantees that the site will actually be restored?
100. What happens if the project owner no longer exists or lacks the financial resources to decommission the facility?
101. Who is responsible for the batteries and hazardous materials left on site if the project is abandoned?

13. Alternatives

Finally, I ask the Commission to reconsider whether an agricultural site immediately adjacent to existing homes is truly the appropriate location for this project.

Lambie Industrial Park and other industrially oriented locations deserve serious consideration.

If the same energy-storage function can be accomplished at a location that places a large industrial battery facility farther away from homes and agricultural operations, I believe the Commission has an obligation to fully evaluate that alternative.

The question should not simply be whether the Corby site can technically be permitted.

The question should be whether **this is the right location for a project of this size and risk. We should not have to gamble with our community when alternatives exist.**

Conclusion

I have tried throughout this process to raise specific, reasonable questions about a project that will directly affect my family and our home.

I recognize the need for reliable electricity and energy storage. I also recognize that California is moving toward greater reliance on battery storage.

But the need for energy storage does not answer the question of where these facilities should be located.

My family has lived at our property since 1974. We did not choose to place a 300-MW industrial battery facility across from our home. If this project is approved, we will have to live with whatever consequences result from that decision. We have spent countless hours speaking up because we believe our community is worth protecting.

I respectfully ask the California Energy Commission not to simply tell nearby residents that the project will be safe. I ask the Commission to identify, in concrete terms:

Who responds?

Who makes emergency decisions?

Who protects the neighboring homes?

Who pays for evacuation and lodging for my family and my animals and who helps in this evacuation

process?

Who pays for cleanup?

Who pays if a home/property is damaged, interior or exterior (home, out buildings, storage units, vehicles, boats, trailers and equipment, landscaping, etc.?)

Who is financially responsible for the decline in property value (home, property & irrigated acreage)?

Who pays medical if medical conditions arise from the close proximity of our family to this potentially hazardous project, with or without an incident?

Who pays if insurance becomes unavailable or unaffordable?

Who pays if property is contaminated (soil, trees, landscaping & foliage, well & water, irrigation water & components)?

And what protections exist before the incident occurs rather than after?

How will we handle the traffic and congestion on our rural roads in case of an incident?

Our roads have a 7-ton limit for agricultural use only. How can this project be built with that limitation and if the project is built who is responsible to repair the damage to our roads – Byrnes Rd., Kilkenny Rd., Walnut Rd., Willow Rd.?

These are not hypothetical questions to the family living directly across from the proposed facility. They are questions about the safety, security, financial protection, and future of our home.

I respectfully request that the Commission require clear, enforceable answers to these questions before approving the Corby Battery Energy Storage System Project.

Most importantly, I ask the Commission to reconsider whether placing a project of this scale immediately adjacent to existing residences is an appropriate risk to impose on neighboring families when alternative locations may exist.

California's need for reliable electricity is real. But so is the responsibility to protect the communities in which energy infrastructure is built.

We should not be forced to choose between California's energy future and the safety and security of our homes.

Thank you for considering my comments and for giving the concerns of directly affected residents the serious consideration they deserve.

Pleadingly and Respectfully,

Deanna Cole on behalf of the Cole Family

Closest Residential Neighbor to the Proposed Corby BESS Project

Docket No. 24-OPT-05