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**City of Vacaville Comments on the Staff Assessment Draft
Environmental Impact Report for the Corby BESS**

Additional submitted attachment is included below.



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September 14, 2026

Ms. Renee Longman, AICP, LEED AP BD+C
Project Manager
California Energy Commission
STEPsiting@energy.ca.gov

Dear Ms. Longman:

Subject: City of Vacaville Comments on the Staff Assessment / Draft Environmental Impact Report for the Corby Battery Energy Storage System Project (Docket No. 24-OPT-05)

The City of Vacaville appreciates the opportunity to review and comment on the California Energy Commission's (CEC) Staff Assessment (SA), including the Draft Environmental Impact Report (DEIR), for the proposed Corby Battery Energy Storage System Project (Docket No. 24-OPT-05).

Following a comprehensive technical and legal evaluation of the document through the lens of the California Environmental Quality Act (CEQA) and the Warren-Alquist Act / Opt-In Certification Program (Public Resources Code § 25545 et seq.), the City has identified significant concerns regarding the adequacy of the environmental analysis, the assumptions supporting certain significance determinations, and the feasibility and enforceability of proposed mitigation measures and Conditions of Certification. In several areas, the analysis relies on assumptions or incomplete information that, in the City's view, do not adequately demonstrate that potential impacts have been fully evaluated or can be effectively avoided or mitigated.

The Staff Assessment has not established that this particular project, at this particular location, can be safely and responsibly accommodated without imposing avoidable environmental, public safety, land-use, and fiscal consequences on Vacaville.

The City of Vacaville submits the following comments organized by topical area and respectfully requests that these issues be fully addressed before the Commission proceeds with a final determination.

1. Public Health, Hazards, and Toxic Air Contaminants (BESS Safety)

- A. **Unsubstantiated "Less Than Significant" Finding for Off-Gas Toxicity:** The SA/DEIR concludes that public health impacts resulting from toxic off-gassing during thermal runaway or fire events are less than significant with mitigation incorporated. This conclusion relies on theoretical upper-bound dispersion models and assumes "beginning-of-life" cell performance. The document fails to evaluate the toxicological and thermal characteristics of aged batteries and cumulative chemical degradation products (including



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hydrogen fluoride, hydrogen cyanide, and heavy metal vapors) across the project's 30-year operational life and multiple planned augmentation cycles.

The CEC has not demonstrated that the modeling adequately represents the full range of reasonably foreseeable operating and failure conditions over the facility's 30-year operational life. The Staff Assessment does not adequately explain the assumptions related to battery aging and degradation, augmentation and replacement cycles, potential changes in battery chemistry over time, worst-case fire scenarios, duration of emissions, meteorological conditions, plume behavior, cumulative exposure, sensitive receptors, and emergency response conditions.

- B. **Inadequate Evaluation of Downwind Sensitive Receptors:** While acknowledging rural residences 880 feet away and nearby municipal growth areas, the SA/DEIR lacks site-specific, empirical dispersion modeling that accounts for local micro-climatic meteorological conditions—specifically atmospheric inversions and stagnant air patterns typical of the Sacramento Valley basin during prolonged, multi-day smoldering and fire events observed in historical BESS failures.
- C. **Unsupported Reliance on Laboratory-Level UL 9540A Testing:** The finding that thermal runaway propagation is contained relies on UL 9540A test results. However, Section 4.4 explicitly acknowledges that standard test methods do not replicate real-world wind conditions, which can accelerate thermal transfer and increase the probability of fire propagating between adjacent enclosures.

UL 9540A testing provides useful information, but the Staff Assessment does not adequately explain the applicability and limitations of that testing for this particular project and its site-specific conditions. The City requests additional analysis demonstrating how the testing results account for conditions that may differ from a controlled laboratory environment, including site-specific meteorology, wind, enclosure configuration, and emergency response conditions. This testing needs to be completed using a full installation level test on the proposed outdoor containers at the noted spacing per the plans. Show compliance with NFPA 855 Sections 9.2/9.2.1/9.2.1.2/9.2.1.2.1/9.2.1.2.2/9.2.1.4.

2. Worker Safety, Emergency Response, and Fire Protection

- A. **Inaccurate Understand of Existing Conditions.** The SA/DEIR states that the initial first responding station would be Vacaville Fire Station #65, 3.3 miles from the site with an estimated response time of 6 minutes and/or Station #72, 5.4 miles from the site with an estimated response time of 10 minutes. This is factually and substantially incorrect. There is no Station 65 and Station 75 is the incorrect station response for this area. Station 75 is 7.2 Miles away with a drive time of 11 minutes. The current response for this area



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originates from Station 73 (4.5 miles and 9 minutes away) and Station 72 (5.5 miles away and 10 minutes away). We have no station that is "approximately 6 minutes away." Further, Vacaville FD is not the first due engine into this area, despite being the closest engine. This area is in Solano County, a different Public Safety Answering Point (PSAP) than Vacaville, further delaying the response of a Vacaville Engine. These are all drive time responses and do not include time for 911 dispatch (64 seconds) to intake the call, process, and alert firefighters. This also does not include turnout time, which is approximately 80 seconds (time of alert and putting on PPE prior to leaving the station).

- B. **Unsubstantiated First Responder Response Times:** The SA/DEIR assumes an unmitigated emergency response baseline, stating that primary service from Dixon Fire Station 81 will arrive in 13 minutes, while Vacaville Fire Station 75 could arrive in 6 minutes under mutual aid. As discussed above, the analysis assumes an immediate, seamless multi-jurisdictional response without citing an executed, binding operational agreement or demonstrating that responding agencies have the specialized equipment, air-monitoring apparatus, and HazMat staffing necessary to manage a utility-scale lithium-ion incident.
- C. **Unrealistic Technical Representative Arrival Window:** Proposed Condition of Certification (COC) WORKER SAFETY-7 mandates that a technical representative arrives on-site within 15 minutes of an incident notification. For an uncrewed facility monitored remotely from an off-site control center, assuming physical arrival within 15 minutes during off-hours or peak commute traffic on Interstate 80 is speculative and unenforceable. The COC does not demonstrate who is responsible for ensuring compliance, how the 15-minute requirement will be achieved, what happens when it cannot be achieved, or what enforcement mechanism applies.
- D. **Dismissal of Deflagration and Explosion Hazards:** The SA/DEIR notes the inclusion of passive roof deflagration panels. However, CEC staff expressly states in Section 4.4 that they *"disagree that this passive device may operate as intended, thus a deflagration might not be significantly reduced"*. Concluding that explosion hazards are mitigated while simultaneously acknowledging the potential inefficacy of installed pressure-relief features represents an internal contradiction in the CEQA findings. The SA/DEIR appears to reach inconsistent conclusions regarding the effectiveness of passive deflagration protection. The SA/DEIR acknowledges that the device may not operate as intended, yet the overall analysis appears to rely, at least in part, on the presence of that protection in evaluating explosion-related risks. Fire is concerned about the potential of explosion for our first responders and how the proposed facility complies with the requirements of NFPA 855 section 9.2 and NFPA 68. Additional studies need to be provided to show that the equipment will operate as intended and will mitigate the possibility of an explosion.



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3. Hydrology, Water Resources, and Firewater Runoff Contamination

- A. **Unsubstantiated Containment of Toxic Firewater Runoff:** The SA/DEIR indicates that runoff from emergency operations will be managed via on-site retention basins designed for a 10-year storm volume. The analysis fails to demonstrate how unlined, gravel-surfaced basins will prevent water contaminated with hydrofluoric acid and heavy metals from infiltrating the shallow groundwater table or overflowing into the adjacent unlined Solano Irrigation District (SID) canal during combined firefighting operations and severe storm events. A basin designed to accommodate a 10-year storm event is not necessarily designed to contain the combined volume of firefighting water, contaminated runoff, and precipitation occurring simultaneously during a prolonged emergency incident.
- B. **Uncertain Water Supply Baseline:** The SA/DEIR leaves the project's construction and operational water source unresolved, presenting an open choice between SID allocations or an on-site groundwater well. Leaving the definitive water source uncommitted defers baseline environmental evaluation and conceals potential drawdown impacts on local municipal, agricultural, and domestic wells. Environmental analysis should not defer evaluation of potentially significant water-resource impacts until after certification. The environmental analysis should identify annual and peak water demands, potential impacts on nearby wells, agricultural water supply considerations, and drought-year assumptions, as these issues are fundamental to the project description and environmental baseline. Water supply is also a critical component of CEC's overall ability to determine that the project is eligible to utilize the opt-in process, so the City urges careful review of this component of the application at this stage.

4. Land Use, Zoning, and Local Policy Conflicts

- A. **Unjustified Preemption of Local Land Use Ordinances:** The project directly conflicts with Solano County Ordinance No. ZT-25-02 and agricultural zoning designations prohibiting front-of-the-meter BESS facilities on agricultural land. While Public Resources Code § 25545.1 authorizes state preemption, CEQA requires lead agencies to avoid or minimize land use conflicts through feasible alternatives before overriding local planning enactments. Although the Opt-In Certification Program limits the City's local permitting authority, the existence of state certification authority does not eliminate the City's ability to identify land-use conflicts, evaluate feasible alternatives, and explain why the proposed location creates materially greater land-use incompatibility than available alternatives.

5. Alternatives — Lambie Industrial Park



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- A. **Insufficient Evaluation of the Lambie Industrial Park Alternative** : The SA/DEIR summarily dismisses the *Lambie Industrial Park Alternative*, claiming it presents a "similar level of severity" of impacts. This conclusion is methodologically flawed because siting the proposed project within an existing industrial zone inherently avoids the conversion of prime agricultural land, eliminates conflicts with local agricultural zoning, and provides appropriate land use buffering. The City is particularly concerned that the SA/DEIR does not adequately evaluate the Lambie Industrial Park Alternative in light of the materially different land-use context presented by that location. An industrially designated site has the potential to avoid or substantially reduce several of the project's most significant site-specific conflicts, including conversion of agricultural land, incompatibility with agricultural zoning, visual intrusion into a rural agricultural corridor, proximity to rural residences, and potential conflicts with the City's planned Northeast Growth Area.

The City therefore requests that the Commission undertake a more robust comparative analysis of Lambie, including environmental impacts, emergency response, infrastructure, land-use compatibility, economic effects, transmission considerations, and other factors relevant to determining whether the impacts associated with the proposed Corby site are avoidable through alternative siting.

6. Visual Resources and Agricultural Land Conversion

- A. **Inappropriate Use of Overriding Considerations for Visual Impacts:** The SA/DEIR acknowledges that industrial equipment will cause a **Significant and Unavoidable** visual degradation of the rural agricultural corridor. Recommending a Statement of Overriding Considerations based on regional grid benefits ignores the direct, unmitigated visual and land-use impacts on adjacent rural residences and future planned growth areas.
- B. **Ineffective Agricultural Mitigation:** Relying on off-site agricultural conservation easements to reduce the loss of Important Farmland to "Less Than Significant with Mitigation" is insufficient. Off-site easements preserve existing agricultural land elsewhere but do not create new farmland or replace the net loss of productive agricultural acreage. The mitigation does not avoid the project's site-specific conversion of agricultural resources and therefore does not eliminate the underlying impact at the project site.

7. Economic Impacts and Statutory Presumption Deficiencies

- A. **Failure to Substantiate Net Local Economic Benefit (PRC § 25545.9):** While the SA/DEIR conforms to CEQA baseline rules by excluding non-physical economic effects from environmental significance thresholds, it fails to substantiate the statutory "rebuttable presumption" of an overall net positive local economic benefit under Public Resources



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Code § 25545.9. The City believes the existing record is insufficient to support the statutory presumption because it does not adequately quantify the reasonably foreseeable costs and economic consequences that would accrue to the City and the surrounding community.

- B. **Uncompensated Municipal Burden vs. Growth Area Devaluation:** The project places long-term, uncompensated emergency service and mutual-aid burdens on the City of Vacaville without generating local municipal revenues. The project adds significant potential costs to the City such as fire/EMS response; specialized equipment; training; apparatus wear; mutual aid; emergency preparedness; inspection/monitoring; infrastructure impacts; land-use opportunity costs; and potential effects on NEGA development. Furthermore, placing a 300 MW / 1,200 MWh high-hazard industrial footprint immediately adjacent to the City's 1,400-acre Northeast Growth Area (NEGA) threatens to create land use incompatibilities and marketability concerns that could devalue planned business park and industrial employment centers.

Conclusion and Requested Action

Because the Staff Assessment and Draft EIR rely on unsubstantiated conclusions, incorrect existing conditions analysis, incomplete baselines, and deferred mitigation, the City of Vacaville requests that the CEC:

1. Revise the Staff Assessment / Draft EIR to provide empirical air dispersion modeling, real-world fire propagation assessments, emergency response, firewater containments, and a secured water supply analysis;
2. Re-evaluate the feasibility of non-agricultural, industrial alternative sites including the Lambie Industrial Park Alternative, and evaluate whether alternative non-thermal-runaway battery technologies;
3. Establish enforceable conditions of certification that fully insulate local emergency services from uncompensated operational and capital costs and avoid imposing unfunded incremental costs;
4. Require the applicant to quantify the City's reasonably foreseeable incremental emergency-response, infrastructure, preparedness, training, equipment, and other municipal costs and establish enforceable funding or reimbursement mechanisms sufficient to ensure that those costs do not become an unfunded obligation of the City or its taxpayers; and
5. Address the lack of net local economic benefit to Solano County and to the City of Vacaville. Address the statutory requirement for an overall net positive local economic benefit, including reasonably foreseeable municipal costs, opportunity costs, and potential implications for the City of Vacaville and the Northeast Growth Area.



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The City respectfully requests that the Commission not proceed to final certification until the issues identified above have been adequately addressed in the environmental record and the proposed Conditions of Certification are demonstrated to be specific, enforceable, adequately funded, and capable of implementation.

Thank you for your consideration of this request and for the CEC's commitment to a transparent environmental review process. Should you have any questions, please contact me at (707) 449-5307 or erin.morris@cityofvacaville.gov.

Sincerely,

Erin Morris, AICP
Director of Community & Economic Development

Cc: Savita Chaudhary, City Manager
Andria Borba, City Attorney