

DOCKETED

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Comment Received From: Rosie Noguera
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Moss Landing and the affect on the community

Additional submitted attachment is included below.

Commissioners,

I am submitting these comments on the Corby Battery Energy Storage System Project Draft EIR because the recent Moss Landing battery fire demonstrates why the California Energy Commission must fully evaluate foreseeable public health, emergency response, evacuation, contamination, and long-term community impacts before approving a large lithium-ion battery energy storage facility near homes, farms, businesses, and public roadways. The experiences described below are not abstract concerns; they are real examples of how a battery fire can disrupt families, property, local businesses, and community trust, and they raise important questions about whether the Corby Draft EIR adequately analyzes comparable risks for Vacaville and Solano County.

The family frequently highlighted for abandoning their home due to severe health concerns following the Moss Landing battery fire is the **Roeder family** (Brian and Angie Roeder).



On January 16, 2025, a major fire started at the **Vistra Energy Storage Facility at the Moss Landing Power Plant**. This lithium-ion battery storage site is one of the largest in the world. Residents were ordered to evacuate as the fire burned for two days; they were allowed to return home on January 19, 2025. On February 18, 2025 (just 35 days later), smoke emerged from the Vistra Energy Storage Facility again. The cause of the initial fire remains under investigation.

On March 10, 2025, Danko Meredith and Fiore Achermann **formally filed a complaint**. We are proud to represent Moss Landing residents against Moss Landing Power Company, Vistra Energy, and other parties who may have played a role in the fire. As we're coming up on the one-year mark of this incident, we'd like to go over what we know and the long-term concerns locals have for Moss Landing and Monterey County as a whole.

If you live in Moss Landing and suffered health issues or financial losses because of the Vistra Energy battery fires, our lawyers can help you file a lawsuit. To set up a free consultation with our attorneys, **contact our Bay Area law firm today**. You can also reach us by phone at **(650) 582-2236**.

Timeline: The Vistra Energy Battery Fires at the Moss Landing Power Plant

One Family's Struggles After the Fire

In a **January 2026 feature by Inside Climate News**, Moss Landing resident Brian Roeder stated, "My life and the life of my family is measured by before Jan. 16, 2025, and after."

Following the fire at the Moss Landing Power Plant, Roeder and his son experienced difficulty breathing; Roeder's wife experienced a flare-up of a pre-existing health condition. The Roeders remain worried about the possible long-term health risks of inhaling toxic substances.

As Inside Climate News reported, the family bounced between multiple Airbnbs and eventually sold their house at a loss.

The Roeder Family

- **Home Abandonment:** Brian Roeder stated that his family abandoned their house 12 days after the January 16, 2025, fire due to respiratory distress and toxic fallout concerns. They later sold their home at a loss.
- **Community Action:** Brian Roeder co-founded the grassroots advocacy group *Never Again Moss Landing* to push for independent environmental testing and accountability.

The Solano Family

Additionally, local business-owning families like **Kim and Luis Solano** (owners of The Haute Enchilada Café & Gallery) were forced to indefinitely shutter their public operations and navigate severe disruptions to their livelihood and nearby property rentals.

MOSS LANDING, Calif. — A well-known cafe in Moss Landing says it's closing its doors immediately, and they say it's due to the repeated fires at the battery storage facility. They say they hope to open in the future.

"With heavy hearts, we announce the immediate closure of The Haute Enchilada Café & Gallery. The Jan. 16 fire incident at the nearby Moss Landing battery storage facility, as well as the new fire incident on Feb. 18, have made it impossible for us to continue public operations," wrote the Kim and Solano family in a social media post.



They went on to say that the recent fires have created uncertainties that they cannot overlook. They say it has impacted them financially, emotionally and "possibly to the detriment of our immediate and long-term health."

In the meantime, they will limit the use of their space to private events and Airbnb guests.

They hope to open up again in the future when it is safe to do so.

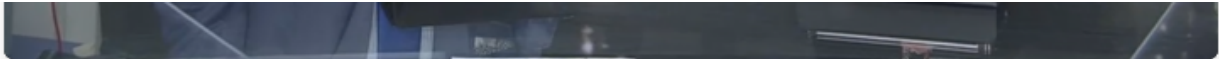
"We are profoundly grateful for your support and understanding during this challenging time. Thank you for being part of our family," the statement finished with.

Attorneys for Kim and Luis Solano, owners of The Haute Enchilada in Moss Landing, filed the lawsuit in the Northern District of California against Texas-based Vistra Corporation and other parties.

The Solanos had to close their business along with all the other businesses on Moss Landing Road, while the fire burned for two days. The fire forced the evacuation of 1,200 residents, closed Highway 1, and left local businesses struggling.

The Solanos also faced many canceled Airbnb reservations on several rental properties that they own in the Moss Landing area due to the fire. The couple said they have experienced symptoms similar physical to other residents in Monterey County and Santa Cruz County that fell within with the smoke plume. Symptoms range from sore throats and headaches to respiratory issues such as shortness of breath and rashes.

The lawsuit names Vistra Energy and its subsidiaries, including Dynegy Operating Company, as well as various LG Energy Solution subsidiaries, who manufactured and supplied the batteries Vistra used at the Moss 300 building, as defendants. The complaint alleges that Vistra used older and less stable NMC batteries produced by LG and employed a flawed battery storage design in the former PG&E building. The Jan. 16 fire was the fourth fire at the facility since 2021.



The Haute Enchilada, Café, Gallery & Social Club has filed a lawsuit against Vistra Corporation over the recent fires which impacted their business.



Thursday, February 27, 2025

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MONTEREY COUNTY, Calif. (KGO) -- The owners of a popular restaurant in the coastal community of Moss Landing have shuttered their doors indefinitely.

In a [lawsuit](#) filed Thursday by Kim and Luis Solano, it alleges the fires that broke out on January 16 and reignited February 18 at the Vistra Energy battery storage facility have caused them health injuries and damage to business.

When you call The Haute Enchilada, Café, Gallery & Social Club, you get this voice message:

"Hello, you reached the Haute Enchilada in Moss Landing, we are currently closed to the public due to the ongoing Vistra lithium-ion battery fires."

The law firm Cotchett, Pitre and McCarthy out of Burlingame are representing the Solanos.

- **Business Impact:** Kim and Luis Solano faced severe fallout at their restaurant and local rental properties.
- **Closure:** They announced the indefinite closure of The Haute Enchilada Café, Gallery & Social Club citing health risks, financial strain, and ongoing uncertainties tied to the Vistra Energy facility fires.

These experiences are precisely why Solano County and the City of Vacaville have specifically addressed battery energy storage systems through local ordinances: to ensure that BESS facilities are appropriately sited, carefully reviewed, and subject to protections that reflect the real-world risks to nearby residents, businesses, agricultural lands, emergency responders, and public infrastructure. The Corby Project does not follow our local law and would unnecessarily place these risks on the surrounding community in a location that local decision-makers have already determined requires stronger siting protections. For that reason, the Draft EIR should not treat the proposed

site as acceptable simply because the project can be engineered there; it should evaluate whether the project belongs there at all. A more appropriate location would be Lambie Industrial Park, where industrial zoning, existing infrastructure, and greater separation from sensitive community uses would better align with the purpose of Solano County's and Vacaville's BESS ordinances.

Sincerely,
Rosie Noguera