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Rejection of Applicantâ€™s Attempt to Remove WATER-5

Additional submitted attachment is included below.

KEEP VACAVILLE SAFE

October 19, 2026

To: California Energy Commission

Subject: Strong Opposition to Corby BESS Site Location and Rejection of Applicant's Attempt to Remove Condition of Certification WATER-5

To the California Energy Commission Staff and Commissioners,

Keep Vacaville Safe strongly opposes the proposed Corby Battery Energy Storage System (BESS) Project (24-OPT-05). First and foremost, **this project is in the wrong location.** Industrial-scale, 300-megawatt energy storage facilities do not belong on rural agricultural lands directly adjacent to sensitive local water supplies, active irrigation networks, and residential communities.

While utility-scale battery storage plays a role in California's grid, such facilities belong in remote, industrial-zoned locations away from critical water bodies and homes—not open rural lands where contamination threatens local drinking water and agricultural livelihoods. The developer selected this site out of developer convenience for proximity to electrical infrastructure, rather than sound land-use and environmental planning. Furthermore, we are appalled that the Applicant (NextEra Energy Resources subsidiaries North Bay Interconnect, LLC and Corby Energy Storage, LLC) is actively lobbying to eliminate proposed **Condition of Certification (COC) WATER-5**, refusing to implement basic, preventative physical containment measures on a site that is inherently vulnerable.

NextEra asks the Commission to view environmental contamination as a "speculative" risk. However, NextEra's own track record proves otherwise. NextEra is currently facing serious litigation, including lawsuits filed by public water authorities, over well water and groundwater contamination linked to a BESS facility they operate in East Hampton, New York. Given that NextEra's existing BESS infrastructure is actively tied to public well contamination disputes, NextEra cannot reasonably claim or expect that their projects are immune from unforeseen environmental consequences. If anything, this track record makes engineered, physical containment in Solano County **more critical**, not less. Citing a few selected examples in an industry funded report, where short-term post-fire testing did not detect heavy contamination does not justify exempting this project from basic environmental safeguards. A critical examination of those examples, along with

the specific technical realities of the Corby site, demonstrates why engineered containment is absolutely necessary:

1. **Incompatibility of the Location:**

   Inappropriate Land Use: Placing industrial energy storage on agricultural land surrounded by rural residences, private drinking wells, **Solano Irrigation District (SID) canals**, and local creeks creates unnecessary public safety and environmental risks.

   Superior Alternatives Exist: As noted in the Staff Assessment review, designated industrial alternatives (such as the Lambie Industrial Park area) represent far more appropriate locations for high-hazard industrial development. Interconnection convenience for the developer should never take priority over long-term water security and public health.

2. **Fire Unpredictability, Master Stream Dynamics, Weather Realities, and Uncontrolled Runoff:**

   Fire Unpredictability & Emergency Tactics: Even though NextEra highlights a planned "non-intervention" agreement with the Dixon Fire Department (DFD) to avoid spraying water on a burning BESS container, BESS fires are inherently volatile and unpredictable. Incident commanders cannot be bound to rigid operational assumptions when responding to real-time emergencies. Depending on wind speed, radiant heat flux, adjacent structures, or threats to adjacent high-voltage electrical infrastructure or nearby vegetation, firefighters may be forced to deploy heavy water streams on adjacent BESS units or surrounding ground to prevent catastrophic fire spread.

   Master Stream Physics and Deflection: Real-world incident footage (such as video of the recent La Verne BESS fire) clearly demonstrates the operational realities faced by fire crews. Operating a high-volume master stream (e.g., 1,000+ GPM) from a single monitor nozzle line while maintaining a safe standoff distance high above or far away from a burning container makes 100% stream accuracy impossible. Water bouncing, deflecting, or over-spraying off targeted non-burning containers inevitably hits active, burning units. The only way to guarantee exposure-cooling water avoids a burning unit is through massive physical separation distance between battery modules, a spacing density this project does not feature.

   Uncontrollable Weather Events (Rainstorms): A BESS developer cannot control weather during an emergency. If a thermal runaway event begins during a rainstorm, or if a storm rolls in while a fire is actively consuming a container, rainwater will wash over burning, off-gassing, and damaged battery enclosures. Rainwater will dissolve and carry toxic combustion

byproducts, heavy metals, and fluorinated compounds directly to the ground. Without physical containment, contaminated storm runoff is a guaranteed outcome.

Local Weather & Wind Drift: Vacaville and rural Solano County frequently experience strong wind conditions. Wind causes fine water spray and fog lines to drift off-target, sweeping through toxic smoke plumes and carrying dissolved heavy metals and chemical combustion byproducts across the site surface.

Water-Smoke Chemical Interaction: Cooling water sprayed near an active BESS unit passes directly through heavy smoke plumes containing heavy metals and fluorinated compounds. Water scrubbing these contaminants out of the air creates toxic runoff on the ground that requires physical containment.

3. **Flaws in Historical Fire Testing Examples:**

The Applicant relies heavily on testing from past BESS fires, such as those in Escondido, CA and Chaumont, NY. However, those tests do not prove safety for Vacaville:

Inadequate Testing Timelines: Testing private drinking wells or surface soil within a few weeks of a fire captures immediate surface wash, but completely fails to track the slow, long-term migration of heavy metals and toxins through shallow aquifers over 6 to 12 months.

Lack of Independent Baseline Testing: Industry-sponsored summary reports (such as the 2025 Fire & Risk Alliance report) rely on limited sampling frames and do not account for deep-soil infiltration under distinct local hydrological conditions.

4. **Site-Specific Hydrological & Operational Vulnerabilities:**
15-Foot Shallow Aquifer:

According to project filings, the groundwater table at the Corby site is extraordinarily shallow, merely 15 feet below the surface. The Applicant's proposed reliance on vegetated swales and unlined retention basins actively encourages infiltration into this shallow groundwater, leaving virtually no soil buffer to filter toxic runoff.

Solano County BESS Ordinance Compliance: Solano County's local BESS ordinance specifically requires impermeable liners beneath BESS modules and any runoff containment basins precisely for this reason, to protect local water tables from uncontained chemical leaks and

contaminated suppression runoff. State opt-in preemption must not be used as a tool to undermine these essential local safeguards.

Hydrofluoric Acid (HF) Risk: Thermal runaway events produce high concentrations of Hydrogen Fluoride (HF) gas. When moisture in smoke or firewater spray reacts with HF gas, it forms hydrofluoric acid, a highly soluble, corrosive chemical that rapidly migrates through soil and cannot be contained by vegetated ditches.

Unstaffed Remote Operations: Because the facility will be unstaffed during normal operations and controlled remotely, first responders arriving on scene cannot retroactively capture early runoff or spilled battery fluids. Passive physical containment (such as impervious liners, concrete curbing, sumps, and shutoff valves) must be built into the site upfront.

5. **Post-Incident Cleanup (HAZ-9) Is Not Prevention:**

   Relying on post-fire soil and groundwater sampling after a catastrophic event occurs is an unacceptable gamble. Once toxic heavy metals or hydrofluoric acid enter a 15-foot shallow groundwater table, plume remediation can take decades, cost tens of millions of dollars, and permanently ruin public and private drinking wells. State "opt-in" preemption must not become a loophole for energy developers to bypass local water protections.

The safest incident is the one that occurs far away from homes, agricultural land, and sensitive water bodies. We urge the California Energy Commission to reject this improper site location. At minimum, if the Commission considers this project further, it must uphold its regulatory duty, reject the Applicant's request to remove **COC WATER-5**, and mandate robust, engineered physical containment features before granting any approvals.

Respectfully submitted,

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Keep Vacaville Safe