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Invalidation of Caltrans Transportation Risk Model (TN 273402) Due to Omitted Low-Frequency Acoustic and Bulk Propane Proximity

Additional submitted attachment is included below.

November 09, 2026

California Energy Commission (Docket Unit, MS-4, Docket No. 26-SPPE-01)
Kern County Planning and Natural Resources Department
Subject: STATUTORY CEQA COMPLAINT: California Energy Commission (Docket Unit, MS-4, Docket No. 26-SPPE-01)

Subject: STATUTORY CEQA COMPLAINT: Invalidation of Caltrans Transportation Risk Model **(TN 273402**) Due to Omitted Low-Frequency Acoustic and Bulk Propane Proximity Hazards for Docket No. 26-SPPE-01

To the Lead Agencies,
This formal filing provides specific, objective engineering, transportation, and safety facts establishing that the current environmental documentation regarding the proposed 99-megawatt RB Inyokern Data Center project is legally deficient under the California Environmental Quality Act (CEQA). Specifically, this comment addresses how the omission of the project's **C-weighted low-frequency noise (LFN) footprint** and its proximity to the **Suburban Propane bulk terminal (1354 N. Brown Road)** completely invalidates the corridor safety and traffic reports previously submitted by the California Department of Transportation (Caltrans).
The applicant's frequency-blind and proximity-blind data models forced Caltrans into a conventional, narrow evaluation restricted to baseline construction traffic and standard highway encroachment permits. When the actual acoustic and physical hazards of this project are properly integrated, Caltrans' standard transportation risk model breaks down under three specific hazard categories:

1. Invalidation of Corridor Continuity: 1-Mile Evacuation Closure of US-395 and SR-178

- **The Omitted Fact:** Caltrans' baseline review treats **US-395** and **SR-178** as fluid multimodal shipping and commuter corridors that can smoothly absorb the data center's construction and operational vehicle volume.
- **The Unstudied Hazard:** If an unmitigated data center Ground Potential Rise (GPR) spark, an electrostatic discharge vector, or structural tank resonance triggers a fire or Boiling Liquid Expanding Vapor Explosion (BLEVE) at the adjoining Suburban Propane bulk facility, **National Evacuation Guidelines (ERG Guide 115) mandate an immediate, mandatory 1-mile public isolation and evacuation radius.**
- **The Transportation Impact:** A 1-mile emergency isolation perimeter centered at 1354 N. Brown Road **completely cuts off, paralyzes,**

and forces the immediate emergency closure of both US-395 and SR-178. This severs the primary north-south freight and emergency transit artery connecting Southern California to the Eastern Sierra region. Neither the applicant nor Caltrans has modeled the regional logistical, economic, and public safety impact of a catastrophic explosive event shutting down these critical state routes.

2. Acoustic Masking Hazards on Intelligent Roadside Infrastructure

- **The Omitted Fact:** The data center's 24/7 continuous air-cooling infrastructure emits high-intensity C-weighted low-frequency pressure waves that travel miles with minimal atmospheric resistance.
- **The Unstudied Hazard:** Heavy C-weighted noise creates a massive acoustic "masking effect" that blankets wide structural zones and suppresses alternative audio and vibrational frequencies.
- **The Transportation Impact:** Because these long C-waves vibrate open space and penetrate structures, **the continuous industrial drone from the data center will blind, distort, and interfere with adjacent automated roadside safety sensors, automated vehicle-monitoring instrumentation, or ultrasonic level-crossing signaling loops near the US-395 / SR-178 interchange.** Overwhelming the background soundscape with unmitigated low-frequency pressure risks a failure of Caltrans' active intelligent transportation systems, creating an unstudied collision hazard for heavy commercial transit trucks.

3. Destruction of Emergency Egress and Egress Bottlenecks on N. Brown Road

- **The Omitted Fact:** The developer's traffic plans layout **North Brown Road** as a designated emergency access route, requiring standard encroachment authorization from local public works.
- **The Unstudied Hazard:** The hazardous Suburban Propane bulk storage complex is located directly at 1354 N. Brown Road, placing the road entirely inside the lethal 300-foot thermal fireball zone and the high-velocity shrapnel impact radius.
- **The Transportation Impact:** In an industrial disaster event, **data center technicians attempting to flee west via the Brown Road emergency gate would find themselves driving straight into the high-velocity shrapnel zone and thermal epicenter of a pressurized gas fire.** Simultaneously, emergency vehicles deployed from the state highways would face immediate physical blockades on Brown Road, transforming a designated safety egress into a lethal logistical bottleneck that traps workers and halts first responders.

Formal Demands Under CEQA Guidelines

Under CEQA, a Lead Agency cannot certify a transportation or public safety assessment when substantial evidence shows that critical corridors have been evaluated under a false or incomplete environmental baseline. We formally demand that the California Energy Commission and Kern County:

1. **Deny the Small Power Plant Exemption (SPPE)** and mandate a full Environmental Impact Report (EIR).
2. **Order Caltrans to rescind and recalculate its corridor impact review** using a comprehensive hazard overlay that accounts for the mandatory 1-mile emergency closure of US-395 and SR-178.
3. **Mandate a Multi-Agency Emergency Evacuation Logistics Study** to model how the co-location of 600,000 gallons of diesel fuel and an adjacent bulk propane terminal impacts the physical deployment capabilities of emergency vehicles along North Brown Road.

Sincere Stakeholder, Ratepayer, Taxpayer and Concerned Citizen,
Bonnie DeRosa