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BEFORE THE CALIFORNIA ENERGY COMMISSION
In the Matter of:
Application for Small Power Plant Exemption (SPPE) and Draft Environmental Impact Report (EIR) for the **RB Inyokern Data Center Project**
Docket No.: 26-SPPE-01

COMPREHENSIVE FORMAL COMPLAINT, NOTICE OF REGULATORY LOOPHOLES, OBJECTION TO DEVELOPER-FUNDED STUDIES, AND DEMAND FOR INDEPENDENT CEC FULL-SPECTRUM ACOUSTIC, GEOPHYSICAL, HAZARDOUS FUEL/GAS STORAGE, ELECTROMAGNETIC, MIGRATORY CORRIDOR, AND PUBLIC SAFETY TESTING

TO THE COMMISSIONERS, HEARING OFFICER, AND ENERGY COMMISSION STAFF:
Pursuant to the California Environmental Quality Act (CEQA, Pub. Resources Code § 21000 et seq.), the California Endangered Species Act (CESA, Fish & Game Code § 2050 et seq.), the Federal Endangered Species Act (ESA), the Migratory Bird Treaty Act (MBTA), and the siting and public safety mandates of the California Energy Commission (CEC), the undersigned resident/stakeholder respectfully submits this comprehensive formal complaint, objection to developer-funded environmental reports, and demand for **independent, CEC-conducted scientific testing** and legally enforceable mitigation regarding the proposed **RB Inyokern Data Center** in Inyokern, Kern County, California.

I. EXECUTIVE SUMMARY AND SITE-SPECIFIC VULNERABILITIES

The proposed 99-megawatt industrial AI facility—incorporating massive cooling arrays, a dedicated 115/34.5 kV high-voltage substation, 40 backup diesel generators (3 MW each), and six 100,000-gallon diesel fuel storage tanks (600,000 gallons total)—is sited in an extraordinarily hazardous and ecologically sensitive corridor near U.S. Highway 395 and State Route 178:

1. **Immediate Proximity to Vulnerable Populations:** Located approximately 370 feet from residential homes and under 1,400 feet from **Inyokern Elementary School**.

2. **Adjacency to Bulk Propane Storage & Underground Gas Infrastructure:** Situated immediately adjacent to commercial bulk propane storage and distribution facilities (including **Suburban Propane at 1354 Brown Road**), residential/commercial underground

propane tanks, subterranean gas pipelines, and documented legacy underground oil/fuel tank Recognized Environmental Conditions (RECs).

3. **<u>Critical Transportation & Military Airspace:</u>** Bordering **U.S. Highway 395**and **State Route 178**, adjacent to **Inyokern Airport**, and directly beneath **NAWS China Lake / R-2508** restricted flight test corridors.

4. **<u>Active Seismic & Arid Basin Geology:</u>** Situated within the critically ***<u>overdrafted</u>*** **Indian Wells Valley groundwater basin** and adjacent to the active **Little Lake and Airport Lake fault zones** (epicenter region of the 2019 Ridgecrest earthquakes).

5. **<u>Vital Mojave Ecological Bottleneck & Migratory Corridor</u>:** Positioned between the Sierra Nevada foothills and the Argus Range along the **Pacific Flyway**, serving as an irreplaceable movement corridor for air, terrestrial, and subterranean wildlife, including the state- and federally threatened **desert tortoise (*Gopherus agassizii*)** and state-threatened **Mohave ground squirrel (*Xerospermophilus mohavensis*)**.

II. <u>DEMAND FOR INDEPENDENT CEC TESTING (REJECTING DEVELOPER-FUNDED BIAS)</u>

In accordance with CEQA's mandate for independent agency judgment (Pub. Resources Code § 21082.1) and the CEC's **November 5, 2026 Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR)**, the CEC must **not rely upon technical studies, acoustic models, or hazard assessments funded and controlled by the private developer (RNL Capital / RB Inyokern)**.
Private developer-commissioned studies inherently suffer from financial conflicts of interest and rely on narrow modeling assumptions designed to secure an expedited Small Power Plant Exemption (SPPE). To ensure scientific accuracy, transparency, and public trust, **the CEC must retain its own independent, state-contracted acousticians, geophysicists, hazardous materials engineers, electromagnetic specialists, and**

wildlife biologists—funded via state-administered applicant fee accounts with zero developer editorial control—to conduct empirical field testing across all impact areas detailed below.

III. IDENTIFICATION OF REGULATORY LOOPHOLES IN STANDARD ENVIRONMENTAL TESTING

Standard CEQA and local environmental protocols rely on outdated metrics that systematically conceal the most destructive physical, acoustic, electromagnetic, and hazardous-storage impacts of hyperscale AI facilities. The CEC's independent studies must close the following ***seven regulatory loopholes:***

1. **The dBA Filtering Loophole (Ignoring dBC and Unweighted dBZ):** Standard ordinances test only **A-weighted decibels (dBA)**, which electronically attenuate low-frequency sound below 500 Hz by up to 30–50 dB. Because low-frequency waves have long wavelengths (10 to 50+ feet) that pass straight through standard residential drywall, double-pane glass, and soil without losing energy, relying on dBA allows a facility to pass compliance on paper while bombarding indoor bedrooms and classrooms with intense low-frequency pressure (**dBC** and unweighted **dBZ**).
2. **The Sub-20 Hz Infrasound Loophole:** Standard dBA meters completely ignore—and dBC meters roll off—frequencies below **20 Hz (infrasound)**. Sub-audible pressure waves resonate inside enclosed rooms (standing waves) and human body cavities (chest wall, sinus cavities, and inner ear), requiring specialized **dBG** and unweighted **dBZ** instrumentation to detect.
3. **The Time-Averaging (Leq) Loophole:** Standard 15- to 60-minute **Equivalent Continuous Sound Level (Leq)** metrics mathematically average out violent, short-term pressure spikes and rhythmic **amplitude modulation ("beating")** created when asynchronous cooling fans and generators drift in and out of phase, hiding repeated acoustic shock events that fracture human sleep cycles.
4. **The Broadband Masking Loophole (Tonal Noise):** Averaging acoustic energy across wide frequency spectra conceals **narrowband pure tones** (such as 60 Hz and 120 Hz transformer magnetostriction hums and cooling fan blade-pass frequencies). Clinical psychoacoustic research proves pure tonal noise triggers acute limbic stress responses and prevents auditory habituation even at moderate decibel levels.
5. **The Upper-Frequency Cutoff Loophole (> 20 kHz Ultrasound):** Standard acoustic surveys terminate at 20,000 Hz,

completely missing high-energy **ultrasonic emissions** from high-frequency power inverters, server switching supplies, and compressed air systems that cause auditory fatigue in workers, blind echolocating bats, and jam automotive collision sensors.

6. **The Air-Only Sensor Loophole (Ground-Borne & Structure-Borne Waves):** Outdoor air microphones cannot measure **ground-borne seismic waves (P-waves, S-waves, Rayleigh waves)** and **structure-borne acoustic waves** that propagate through dense desert alluvium and bedrock, coupling into concrete slabs and turning residential walls and floors into low-frequency acoustic radiators while stressing underground pipes and tanks.

7. ***The Coupled-System & Off-Site Hazard Loophole*:** Agencies evaluate noise, vibration, groundwater depletion, thermal plumes, electromagnetic interference (EMI), and on-site diesel tanks in isolation rather than modeling their **synergistic, cascading failures** across adjacent off-site bulk propane facilities, active seismic faults, emergency response networks, and regional wildlife corridors.

IV. COMPREHENSIVE ADVERSE IMPACTS REQUIRING INDEPENDENT CEC STUDY AND TESTING

A. Adjacent Bulk Propane Storage, Underground Gas Facilities, and Cascading Explosion/Fire Risks

- **Cyclic Vibration Fatigue & Micro-Leakage on Pressurized Propane Vessels:** Commercial bulk propane storage facilities (including **Suburban Propane at 1354 Brown Road**), residential/commercial underground ASME propane tanks, and subterranean natural gas lines sit directly within the ground-wave propagation radius of the facility. Continuous 24/7 **Rayleigh, P-, and S-wave micro-vibrations** subject welded tank seams, threaded pipe unions, pressure-relief valves, and regulator diaphragms to millions of cycles of mechanical fatigue, loosening seals and causing slow,

undetected leaks of heavier-than-air propane vapor that pools in low-lying trenches and crawlspaces.

- **Stray Electrical Currents & Accelerated Cathodic Corrosion:** A 99 MW facility with two 60/80/100 MVA transformers and 115 kV underground gen-tie lines injects significant stray alternating and direct ground currents into surrounding soils. Stray currents overwhelm and reverse **sacrificial anode and impressed-current cathodic protection systems** on buried steel propane tanks and gas pipelines, causing rapid, localized electrochemical pitting and wall thinning that lead to catastrophic underground ruptures.

- **Soil Desiccation, Differential Settlement, and Seismic BLEVE Hazards:** Heavy site grading, continuous thermal heat rejection into the ground, and groundwater drawdown shrink clay/silt lenses and alter soil density in the Indian Wells Valley alluvium. Differential ground settlement bends and shears rigid underground gas service lines, while seismic shaking (**Love and Rayleigh waves**) in an active fault zone creates a catastrophic compounding fire and Boiling Liquid Expanding Vapor Explosion (**BLEVE**) chain-reaction risk between **600,000 gallons of on-site diesel fuel** and adjacent bulk propane inventories.

- **Electrostatic Spark & Acoustic Arcing Ignition Sources:** High-velocity dry desert airflow and constant mechanical vibration generate high-voltage **triboelectric static charges** on unbonded metallic surfaces, while intense low-frequency acoustic pressure physically vibrates high-voltage switchgear contacts—creating corona discharge and electrical arcing ignition sources immediately upwind/upgradient of volatile propane and diesel vapor zones.

B. Public Health, Schoolchildren, and Workplace Safety

- **Physiological & Neurocognitive Harm to Residents and Schoolchildren:** Continuous exposure to low-frequency (**dBC/dBZ**) rumble, infrasound (< 20 Hz), and rhythmic pulsing induces **vibroacoustic pathology** and chronic autonomic nervous system activation—manifesting as vestibular dysfunction (vertigo, nausea, motion sickness), intractable migraines, tympanic membrane (ear) pressure, elevated nocturnal blood pressure, cardiac arrhythmias, chronic cortisol spikes, and severe sleep architecture

fragmentation (loss of restorative REM and slow-wave sleep). At **Inyokern Elementary School** (under 1,400 feet away), chronic low-frequency background noise is proven to impair childhood speech intelligibility, reading comprehension, working memory, and attention span.

- **Facility Worker Occupational Harm:** Inside the plant, workers are exposed to high-decibel broadband noise (> 85–96 dBA) combined with intense unmonitored low-frequency/infrasound resonance (10–100 Hz) that vibrates the thoracic cavity, lungs, and skull directly through bone conduction. Standard foam earplugs and earmuffs offer near-zero attenuation below 100 Hz, leaving workers vulnerable to chronic fatigue, nausea, impaired judgment, and heightened industrial accident rates.

B. Inner Ground Movement, Seismic Stability, and Subterranean Habitat

- **Alluvial Soil Destabilization & Amplified Seismic Hazard:** Heavy chillers, cooling towers, pumps, and 40 backup diesel generators inject persistent compressional (**P-waves**), shear (**S-waves**), and rolling surface (**Rayleigh waves**) into the valley's unconsolidated sandy alluvium. Combined with 50 acres of heavy soil compaction and ongoing groundwater extraction from an *overdrafted* basin, these forces alter pore-water pressure and soil shear strength directly adjacent to the **Little Lake and Airport Lake fault zones**, increasing localized ground-shaking amplification and differential foundation failure during regional **Love and Rayleigh wave** earthquake events.

D. Disruption of Air, Land, and Subterranean Wildlife Migratory Patterns

- **Air Migratory Corridors (Pacific Flyway Birds, Bats, and Insects):** Migratory songbirds, raptors, and nocturnal insects rely on quantum-sensitive **cryptochrome magnetoreceptors** in their eyes to perceive Earth's geomagnetic field. Broadband **EMI** (specifically in the kHz to MHz range) from 99 MW power switching and high-voltage transformers disrupts radical-pair spin chemistry, blinding their internal magnetic compass and causing disorientation, energy depletion, and fatal collisions. Simultaneously, 24/7 **dBC/infrasound** drone masks low-frequency nocturnal flight calls and mountain-ridge infrasound cues; **ultrasonic emissions (>**

20 kHz) jam and blind the biological sonar of echolocating migratory bats (such as Mexican free-tailed and hoary bats), preventing insect foraging mid-flight; artificial security lighting induces fatal **phototaxis** and circadian collapse; and **99 MW thermal plumes** create violent convective turbulence that disrupts energy-efficient thermal soaring for migrating raptors.

- **Land Migratory & Dispersal Corridors:** Terrestrial wildlife—including state- and federally threatened **desert tortoises (*Gopherus agassizii*)**, **desert bighorn sheep, mule deer, kit foxes, and American badgers**—suffer physiological stress (elevated fecal glucocorticoids) and acoustic masking of predator-approach sounds (faint rustling). This creates an invisible **"phantom road" exclusion zone** extending over a mile beyond the fence line, severing genetic dispersal corridors, blocking access to seasonal forage and water, and isolating tortoise populations into non-viable genetic fragments.

- **Subterranean Migratory & Estivation Patterns:** Subterranean and semi-fossorial species—including state-threatened **Mohave ground squirrels (*Xerospermophilus mohavensis*)** (which undertake critical pre-estivation dispersal movements across home ranges), **kangaroo rats, pocket mice, desert spadefoot toads, and burrowing reptiles**—rely on substrate-borne seismic cues (detected via specialized inner-ear and jaw-bone conduction) to detect approaching snakes/predators and navigate underground. Continuous **Rayleigh and P-waves** saturate the soil with mechanical noise, forcing animals to abandon protective summer/winter estivation burrows into lethal surface heat, disrupting reproductive cycles, and cutting off access to deep soil moisture layers depleted by industrial groundwater pumping.

E. Electrostatic Potential, Lightning Grounding, Emergency Responders, and Autonomous Vehicles/Aviation

- **Compromised Lightning Protection & Lethal Step-Potential Shock:** Effective lightning dissipation requires low-impedance soil contact around deep copper grounding rods. Continuous ground vibrations vibrate soil grains away from grounding electrodes (creating air gaps), while industrial waste heat and groundwater pumping desiccate surrounding earth—raising soil electrical resistivity from conductive to insulating. During Mojave summer monsoon lightning

storms, lightning energy cannot dissipate downward and instead discharges horizontally across the ground surface, creating lethal **step-potential electrocution hazards** for workers and nearby residents, as well as **side-flash arcing** into adjacent fuel tanks and metal buildings.

- **Emergency Responder & Public Warning Failure:** High-energy low-frequency (**dBC/infrasound**) rumble triggers **upward spread of acoustic masking** in the human cochlea, physically drowning out higher-pitched emergency sirens (500–3,000 Hz), fire alarms, and backup vehicle warnings for residents and high-speed motorists along U.S. 395 and SR 178. Simultaneously, intense acoustic pressure induces **microphonic vibration** in electronic circuit boards and crystal oscillators, which—combined with 99 MW broadband **EMI**—causes radio dropouts, garbled voice telemetry, GPS lock loss, and false calibration readings on paramedic **ECGs, pulse oximeters, and hazardous-gas/LEL detectors** during an active chemical, fire, or medical emergency.

- **Ground Autonomous Vehicles (AVs), GPS Telemetry, and Aviation Safety:** Along U.S. 395 and SR 178, industrial ultrasonic emissions (> 20 kHz) saturate automotive ultrasonic parking/lane-keeping transducers (40–75 kHz), causing phantom emergency braking or sensor blinding; low-frequency acoustic/ground waves hit the mechanical resonant frequency of **MEMS gyroscopes and accelerometers**, injecting false yaw, pitch, and roll errors into vehicle stability and autonomous steering computers; structural vibrations blur LiDAR point clouds and optical lane cameras; and high-voltage EMI degrades centimeter-level **RTK-GPS and V2X safety telemetry**. At **Inyokern Airport** and within **NAWS China Lake / R-2508 airspace**, **99 MW thermal plumes** create invisible columns of rising, low-density superheated air that induce abrupt **convective wind shear, downdrafts, and sudden loss of aerodynamic lift** during low-altitude takeoff, landing, and flight testing, while low-frequency pressure waves and EMI cause false altitude jumps in drone/UAV barometric altimeters and inertial measurement units (IMUs).

V. FORMAL DEMAND FOR INDEPENDENT CEC STUDIES, LEGAL MITIGATION, AND RELIEF

Pursuant to CEQA, CESA, ESA, and the MBTA, the undersigned formally demands that the California Energy Commission **reject the Small Power Plant Exemption (SPPE)**, proceed with a full, rigorous Environmental Impact Report (EIR), and **conduct its own independent, state-managed field studies** covering every item below prior to any project decision—or **deny the project outright** where impacts cannot be fully mitigated:

1. **Independent CEC-Managed Scientific & Engineering Studies:** Mandate that all acoustic, geophysical, hazardous-fuel/propane, electromagnetic, aviation, and biological studies be designed, executed, and peer-reviewed exclusively by **independent consultants hired directly by the CEC**, completely independent of the private developer.

2. **Off-Site Propane Storage & Underground Gas Hazard Assessment:** Conduct an independent quantitative risk assessment (QRA), metallurgical vibration-fatigue analysis, and stray-current/cathodic corrosion audit of all nearby commercial bulk propane facilities (including **Suburban Propane at 1354 Brown Road**), underground propane tanks, and subterranean gas lines, evaluating cumulative seismic/BLEVE blast and thermal radiation radii alongside the project's **600,000 gallons of on-site diesel storage**.

3. **Multi-Seasonal Migratory & Biological Corridor Study (Air, Land, Subterranean):** Conduct a four-season biological movement study with **CDFW and USFWS** using nocturnal radar/ultrasonic tracking, tortoise/Mohave ground squirrel radio-telemetry, and subterranean soil-vibration sensitivity testing, enforcing protected wildlife corridors, **EMI/geomagnetic shielding (Faraday/mu-metal shielding and buried shielded cabling)**, **ultrasonic baffling**, **Dark-Sky zero-glare amber lighting**, and full CESA Incidental Take compliance.

4. **Full-Spectrum Acoustic & Ultrasonic Testing and Enforceable Caps:**

   Conduct independent baseline and operational testing across dBA, dBC, dBZ (unweighted), dBG (infrasound down to 1 Hz), 1/3-octave band analysis, tonal prominence checks

(60/120 Hz), amplitude modulation metrics, and ultrasonic surveys (20 kHz to 100 kHz), enforcing strict dBCcaps, a maximum dBC-minus-dBA differential of ≤ 15 dB, and zero pure tonal hums or rhythmic pulsing.

5. **Geophysical Vibration, Stray-Current, & Lightning Grounding Audit:** Mandate independent particle velocity testing for **P, S, Rayleigh, and Love wave** propagation, spring-isolated inertia bases, subterranean wave-impeding trenches, cathodic protection isolation for nearby underground gas/propane vessels, and deep moisture-maintained lightning grounding grids.

6. **Emergency Responder, Public Warning, AV/GPS, and Aviation Clearance:** Require live empirical testing and formal written safety clearance from **Kern County Fire/Sheriff/EMS, NAWS China Lake, the FAA, Inyokern Airport, and Caltrans** verifying zero siren masking, zero radio/EMI interference, zero AV sensor/MEMS resonance, and zero thermal-plume flight hazards.

7. **Continuous Public Telemetry & Automatic Operational Curtailment:** Mandate permanent, tamper-proof perimeter monitors recording real-time **dBA, dBC, dBZ, infrasound, ground vibration, stray electrical current, and EMI** with live public web access and automatic equipment curtailment upon any compliance exceedance.

VI. CONCLUSION: ESTABLISHING A STATEWIDE BENCHMARK FOR FUTURE GENERATIONS

Historically, major breakthroughs in civil engineering, building codes, grid safety, and emergency response have occurred only *after* communities suffered preventable health harm, ecological collapse, or catastrophic infrastructure failure. Today, hyperscale AI and energy facilities are expanding faster than legacy acoustic, seismic, and electromagnetic regulations have been updated.

By requiring an independent, full-spectrum scientific investigation in Inyokern—closing outdated measurement loopholes and evaluating the coupled effects of low-frequency pressure, ground-borne waves, stray

electrical currents, thermal plumes, and adjacent fuel storage—the California Energy Commission has a historic opportunity to do more than protect the residents, schoolchildren, first responders, and desert wildlife of the Indian Wells Valley today. **The empirical data and engineering standards generated by this independent study will provide architects, civil engineers, grid operators, autonomous transportation developers, and emergency response manufacturers with the exact blueprint needed to build safer, cleaner, interference-free infrastructure for future generations across California and beyond.**

For all the foregoing reasons, the undersigned urges the Commission to uphold its statutory duty under CEQA, reject shortcuts and developer-controlled assessments, and mandate full independent testing and enforceable protections prior to any project approval.

Respectfully submitted,
Bonnie DeRosa,
Stakeholder, Taxpayer, Ratepayer, Concerned Citizen
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