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*Comment Received From: County of Solano  
Submitted On: 12/4/2024  
Docket Number: 24-OPT-05*

## **Solano County Initial Comments on Corby BESS Project Application**

*Additional submitted attachment is included below.*



December 2, 2024

*Via Email and e-filing Docket 24-OPT-05*

Renee Longman  
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**Re: Docket 24-OPT-05: County of Solano AB 205 Review and Comments on Corby Battery Energy Storage System (BESS) Project**

Dear Ms. Longman:

The County of Solano ("County") hereby submits the following initial comments on the Corby Battery Energy Storage Project ("Project") application ("Application") in response to your November 13, 2024 Request for Comments and Information from the County ("November 13 Request"). The County reserves its right and fully intends to submit further comments on the Application in response to the November 13 Request, and in accordance with the County's obligations under Assembly Bill ("AB") 205 and Public Resources Code sections 25519(f) and 25519(k). These comments, and any future comments submitted by the County, are within the scope of the County's cost reimbursement rights under Public Resources Code section 25538.

State law does not provide a deadline for County comments on an AB 205 opt-in application. However, your November 13 Request asked for comments at the County's "earliest convenience" and California Energy Commission ("CEC") staff advised the County at the October 2, 2024 Opt-In Pre-Application Meeting that its comments should be submitted in advance of the CEC's application completeness determination to ensure meaningful consideration. CEC staff has further advised the County that the last day the CEC can make a completeness determination is December 9, 2024. This has put the County in the difficult position of having to analyze and provide comments on a 2,500+ page, highly technical application in under three weeks, during the holiday season, to ensure the CEC considers and understands local concerns. The County therefore submits these initial comments but reserves the right to submit further comments in the coming months.

For ease of reference, this letter is organized by the following topics:

- Comment 1: Overall net positive economic benefit to the County.
- Comment 2: Community Benefit Agreements.
- Comment 3: Description of Local Permit Applications.
- Comment 4: Commitment to Local Hiring

- Comment 5: Alternative Site Analysis.
- Comment 6: Alternative Technology Analysis.
- Comment 7: Emergency Response and Action Plan
- Comment 8: Air Quality and Green House Gas Analysis
- Comment 9: Impacts to Travis Air Force Base
- Comment 10: Foreign Sourcing and Component Certification
- Comment 11: Noise, Visual, and Nuisance Mitigations
- Comment 12: Agricultural Land Impacts
- Comment 13: Surety or Bonding for Potential Disaster Impacts
- Comment 14: Impacts to Adjacent Lands
- Comment 15: Road and Traffic Impacts

In summary, the County requests that the CEC deem the Application incomplete. While we recognize the importance of energy storage and are committed to responsible development, and do not necessarily oppose this Project, we have identified significant gaps and deficiencies in the current Application. Most critically, the Application does not meet the standards set forth by the AB-205 legislation or address significant public safety concerns. Until the project fully addresses these concerns, it should not proceed through the approval process. We look forward to working with the CEC to ensure that any project it ultimately approves is both safe and beneficial to the people of Solano County.

**Comment 1: Inadequate Preliminary Information Demonstrating Overall Net Positive Economic Benefit to the County.**

The Project Application is required to contain “preliminary information demonstrating overall net positive economic benefit” to Solano County, as the local government that would have had permitting authority over the site. (Cal. Code Regs., tit. 20, § 1877(f) [emphasis added].) Economic benefits may include, but are not limited to, employment growth, housing development, infrastructure and environmental improvements, assistance to public schools and education, assistance to public safety agencies and departments, and property taxes and sales and use tax revenues. (*Id.* at § 1879(a)(7); Pub. Res. Code, § 25545.9.)

Here, the Application claims that the Project will result in net positive economic benefits in two, distinct areas: (1) employment growth and (2) property taxes and sales and use tax revenues. (See Application at §§ 1.1.5.6, 4.14.3.3.) There are several reasons why the information contained in the Application fails to contain the adequate preliminary information demonstrating an overall net positive economic benefit to Solano County.

First, employment growth proposed by this application is negligible as the majority of positions identified are temporary in nature, being construction jobs that support the construction period only.

Second, regarding sales and use tax revenues, the applicant contends that the project, through construction and commissioning, will result in an estimated one-time net economic benefit of \$18.3 million in sales and use tax revenues compared to the most recent agricultural use of the Project site, with an estimated \$3.4 million of this total paid to Solano County. The application is unclear regarding how the amounts identified were calculated and it is unclear to County staff why only a

portion of the full sales and use tax would be retained by the County. Much is unknown and variable regarding how the project is approached and how much sales tax remains locally versus to the home county of the applicant.

Third, the current application does not specify where the headquarters of the wholly owned subsidiaries Corby BESS LLC and NorthBay Interconnect LLC will be located. Solano County requests that these subsidiaries be headquartered in the unincorporated County (this process shall include, but is not necessarily limited to, the project proponent/operator obtaining a street address within the unincorporated portion of Solano County for acquisition, purchasing and billing purposes, and registering this address with the State Board of Equalization) to offset the costs borne by Solano County in preparation for thermal runaway and to ensure the host community receives adequate benefits. Additionally, Solano County requests that the point of sale for all construction materials and facility equipment be located in the unincorporated County, ensuring the host community receives the associated sales tax benefits. For example, CATL batteries being utilized by the applicant are manufactured in China, ensuring that the sale will originate outside the County. Staff would like the applicant to commit to purchasing equipment in larger batches over the \$500,000 threshold required to ensure sales tax be generated locally.

As an alternative to the aforementioned process, the project proponent/operator may make arrangements with Solano County for a guaranteed single payment that is equivalent to the amount of sales and use taxes that would have otherwise been received (less any sales and use taxes actually paid); with the amount of the single payment to be determined via a formula approved by Solano County. The project proponent/operator shall allow the County to use this sales tax information publicly for reporting purposes.

Finally, Corby's preliminary information is isolated to employment and tax benefits, and fails to analyze other considerations relevant to whether the project will, in fact, have a net positive economic benefit to Solano County. For example, the application does not address the economic impact of displacing approximately 59.7 acres of productive agricultural land that contributes year-round to employment and stable revenue in the local economy. The application does not consider impacts to neighboring property values or public safety agencies. A complete economic impact assessment should be included in the application, detailing both short-term and long-term economic implications for the community.

**Comment 2: Inadequate Plan or Strategy, including a Timeline for Execution, to Obtain Legally Binding and Enforceable Community Benefit Agreement(s).**

The Project Application is required to include a "plan or strategy, including a timeline for execution, to obtain legally binding and enforceable agreement(s) with, or that benefit a coalition of one or more community-based organizations prior to project certification, consistent with Public Resources Code section 25545.10." (Cal. Code Regs., tit. 20, § 1877(g).) The agreement must with "community-based organizations, such as workforce development or training organizations, labor unions, social justice advocates, local government entities, California Native American tribes, or other organizations that represent community interests, where there is mutual benefit to the parties to the agreement." (Pub. Res. Code, § 25545.10.) Here, the two-page "Community Benefits Plan" included in Corby's Application does not rise to the level of specificity required by AB 205, nor does it promote

an agreement that represents community interests and where there is a balanced mutual benefit. (See Application at Vol. 2, Appendix 1-C.)

First, the Application's Community Benefits Plan does not meet the minimum specificity required by AB 205. It merely states that Corby is "exploring opportunities" with several organizations "currently under consideration," including Solano Community College, Vacaville Veterans, Travis Fisher House Foundation, and "City/County Initiatives." The Application lacks any further detail on the status of negotiations, or when future meetings will occur with those groups. Nonetheless, it arbitrarily states that the timeline for execution of agreements with these four groups is Quarter 1 2025. Solano County, as one of those proposed groups, has not been contacted by the Applicant to begin discussing a community benefits agreement. Solano County last met with the applicant on October 24, 2024, where, in response a question from County staff, the applicant said it had not considered an agreement directly with the County but was open to considering it. Although the County appreciates being listed as a group "currently under consideration," the Application should not be deemed complete by the CEC until the applicant has initiated legitimate conversations with the County and is able to document those conversations to support a realistic strategy and timeline for execution of the required community benefit agreement.

Second, in addition to its lack of specificity, the Application's Community Benefits Plan does not further community interests or present a balanced mutual benefit. (Pub. Res. Code, § 25545.10 [requiring an agreement with a group that represents community interests and where there is mutual benefit].) The Application's Community Benefits Plan states that the applicant is considering a total of \$510,000 between Solano Community College, Vacaville Veterans, Travis Fisher House Foundation, and "City/County Initiatives." Of that, \$200,000 is proposed towards Solano Community College programs that directly benefit this Project, including training workforce and emergency responders; \$10,000 towards Vacaville Veterans, which the applicant frames as a continuance of financial donations it has made since 2022; \$200,000 towards the Travis Fisher House Foundation to support homes for military and veteran families; and \$100,000 towards "City/County Initiatives" which will "be evaluated after receiving feedback from Solano County representatives."

While these proposals may provide some community benefits, they do not reflect public input nor a balanced benefit between the local community and the applicant. The applicant did not hold any workshops or invite public feedback on their proposed community benefits plan. Additionally, the \$510,000 total agreement value being proposed is egregiously low compared to national averages. Solar plus Battery Energy Storage projects have an average \$87,342 community benefit agreement value per MegaWatt ("MW") of nameplate rated capacity according to Clean Coalition's recent analysis "Finding the Balance: Benchmarking Wind, Solar and Energy Storage Community Benefits Agreements" (<https://clean-coalition.org/news/finding-the-balance-benchmarking-solar-wind-and-energy-storage-community-benefits-agreements/> .) Specifically, Medway Grid and Medway, Massachusetts reached an agreement for a 250 MW BESS in 2022 worth \$43,464,019 over the life of the project, at a rate of \$173,856 per MW of nameplate rated capacity. Under that agreement, payments included up to \$15,000 per year for emergency preparedness training; \$20,000 per year for public safety; \$100,000 for town to retain independent consultants and counsel; \$65,000 for independent study; \$50,000 to support master plan renewal; up to \$25,000 to each homeowner within 300 feet of project perimeter whose property value was diminished; \$250,000 for sidewalk installation; several payments totaling \$247,500 to fund a risk reduction and training position in the

fire department; \$150,000 to an energy conservation and resiliency fund; and \$85,000 to an abutting neighbors landscaping fund. Full Host Community Agreement can be found here: <https://climate.law.columbia.edu/sites/default/files/content/CBAs/Medway%20Grid%20BESS%20HCA.pdf>

Here, if the applicant (NextEra) funded an agreement at this rate, their 300 MW system would have an accompanying \$52,156,822 agreement value. The proposed \$510,000 agreement value in the current Application is inadequate to meaningfully serve community interests or ensure a balanced mutual benefit. The County therefore requests that the CEC find the Application's Community Benefits Plan incomplete and direct the applicant to enter a community benefit agreement directly with the County (i.e, a "host community agreement"), as the best representative of community interests related to BESS projects. The CEC should also mandate that the agreement be reasonably akin, in terms of agreement value, to benefit agreements executed for large energy projects across the Country, including the Medway Grid project discussed above.

**Comment 3: Inadequate Discussion of Local Permit Applications Related to this Project.**

The Project Application is required to identify and discuss whether the applicant has submitted any local permit applications. (Cal. Code Regs., tit. 20, § 1877(d).) Here, the Application simply states that "[n]o discretionary local permits will be required to implement the proposed Project." (Application at §1.1.5.4.) The Application omits significant information regarding NextEra's prior application with the County for this BESS facility, why it was deemed incomplete, and why it was ultimately paused under the County's two-year moratorium on new front-of-the-meter BESS facilities (Solano County Ordinance No. 2024-1853-U-E).

NextEra representatives met with Solano County staff on April 18, 2023, for a pre-application meeting related to the Corby Project. County staff reviewed information submitted by NextEra and provided an extensive list of preliminary comments based on the applicant's initial plans, including comments related to environmental impacts, loss of agriculture, visual impacts, fire prevention, community outreach, water supply and construction of a septic system. (See Application Appendix 4.11-A.) On June 16, 2023, NextEra submitted an application for a Conditional Use Permit to the Solano County Planning Division. On July 24, 2023, the County deemed the application incomplete for reasons including, among other things, significant gaps in the site plan and project description, lack of any Emergency Response Plan or decommissioning plan, mitigation for loss of farmland, and supporting documents regarding road and drainage impacts. On December 11, 2023, NextEra resubmitted an application packet to address County staff comments with a revised site plan, an emergency management plan outline, and preliminary drainage report. After review by Solano County Office of Emergency Services, the emergency management plan was found to have serious issues, with many sections left unfilled and incomplete, and lacking significant information to serve as an Emergency Response and Action Plan that would protect the public as required by SB 38 prior to commissioning.

On January 23, 2024, the Solano County Board of Supervisors enacted a 45-day urgency ordinance to temporarily pause the permitting of new front-of-the-meter BESS facilities in the unincorporated area of Solano County. (Ordinance 2024-1853-U.) On February 27, 2024, the Board of Supervisors extended that urgency ordinance for two-years, setting an expiration date of January 23, 2026, to allow County staff to develop zoning regulations specific to BESS facilities that would address the serious fire safety concerns and impacts of thermal runaway critical to public health and safety in

the County. (Ordinance No. 2024-1853-U-E.) Since then, Solano County formed a Technical Working Group to advise the development of an ordinance addressing the impacts of thermal runaway and promoting responsible development practices. The Technical Working Group is composed of representatives from the following organizations: Solano County Agricultural Commissioner, California Energy Storage Alliance, Solano County Hazardous Materials, Solano County Fire Chiefs, the City of Vacaville, and a member of the public.

The Applicant has since opted-in to the State’s alternative permitting pathways through AB 205. The County, however, urges the CEC to recognize and meaningfully address the County’s concerns with the project. Although the applicant has agreed in the Application to comply with all relevant fire safety standards such as UL 9540 and SB 38, the current Application does not address the local concerns that motivated the approval of Ord. 2024-1853-U-E. In particular, the lack of an Emergency Response and Action Plan in the current Application does not allow Solano County first responders to adequately prepare for evacuations from and respond to thermal runaway incidents. Additionally, a significant factor in the approval of Ord. 2024-1853-U-E is the risk posed to Travis Air Force Base in the case of a thermal runaway event, particularly if the emergency response and action plan calls for a ‘let-it-burn’ approach. Questions regarding the impacts of thermal runaway, its duration, plume direction and blockage of flight paths are not answered in the current Application. Thus, the current Application should be deemed incomplete, not only because it fails to describe its prior application with the County, but because it does not adequately address the impacts that motivated the approval of Ord. 2024-1853-U-E. Although the application states “impacts will be less than significant,” the current Application does not adequately provide analysis and documentation that would indicate that thermal runaway impacts to Travis AFB and nearby sensitive receptors would be less than significant.

**Comment 4: Inadequate Commitment to Local Hiring.**

While the current Application does contain the certifications required by Public resources Code sections 25545.3.3 and 25545.3.5, which require workers be paid prevailing wage and the use of a skilled and trained workforce (Application, Volume 2, Appendix 1 Executive Summary Appendices, pdf pg. 6), local hiring commitments do not specify the percentage of workers that will be Solano County residents. The application states “Targeted hiring provisions, including a targeted hiring plan, on a craft-by-craft basis to address job access for local, disadvantaged, or underrepresented workers, as defined by a relevant local agency.” Solano County requests a commitment that at least 50% of all workers hired by Corby BESS LLC or subcontractors to be Solano County residents.

**Comment 5: Inadequate Alternative Site Analysis.**

The Project Application includes further inadequacies related to the “design of the facility, architectural and aesthetic features of the facility, access to highways, landscaping and grading, public use of lands in the area of the facility, and other critical aspects of the design, construction, operation, and location of the project” that are essential to the public health, safety, and welfare in Solano County. (Public Resources Code §§ 25506, 25519(f).) The following comments relate to additional County concerns related to the incompleteness of the Application, and the substance of conditions of approval that the County will ultimately ask the CEC to put on the project.



The County's concerns stem largely from the many recent BESS incidents throughout the nation that have had widespread, detrimental impacts on the public. For example, on September 5, 2024, a 120 MWh BESS operated by San Diego Gas and Electric experienced thermal runaway, leading to evacuations of the surrounding area that lasted 2 days and closures of nearby schools: Carolyn Gilbert Education Center, the Del Rios Academy of Arts and Sciences and Rock Springs Elementary School. (<https://fox5sandiego.com/news/local-news/fire-breaks-out-in-escondido-sdge-battery-storage-facility/>)

On May 16, 2024, a thermal runaway incident occurred at the 250 MW Gateway Energy Storage facility in Otay Mesa, San Diego, leading to shelter-in-place orders for inmates at the Richard J Donovan Correctional Facility and evacuation orders for businesses and residents nearby. As a result of the emergency responder's "let it burn" policy, the 17-day fire had far reaching implications to the local community. Although the design of Gateway system is no longer considered a best practice (modules inside a building), the incident highlights the impacts of thermal runaway which are not addressed in NextEra's current Application. A fire of such a duration in Solano County could have severe implications and unacceptable consequences for Travis Air Force Base to fulfill its mission of national defense. As best practices related to BESS facilities are continuously changing in response to "lessons learned" from these recent incidences, Solano County urges the CEC to prioritize conditions related to health, safety, and first responders. Solano County cannot host a project that becomes another "lesson learned."

Specific to this Application, its Alternative Site Analysis does not reasonably justify why the second considered alternative site was not selected. (See Application Volume 1 Part 3, pdf p. 456 Section 5-1.) State law requires consideration and discussion of a "range of reasonable alternatives to the project, or the location of the project, which would feasibly attain the most basic objectives of the project but would avoid or substantially less any of the significant effects of the project, and evaluation of the comparative merits of the alternatives." (Cal. Code Regs., tit. 14, § 15126.6(a); Cal. Code Regs., tit. 20, Appendix B.) Here, the Project Application states that it discusses and evaluates the "No Project" alternative, site alternatives, linear facility routing alternatives, and technology alternatives. However, it omits several categories of feasible alternatives and disregards other alternatives on an unjustified basis.

For instance, the Application states as a minimum site requirement that the site location be within 6.5 miles of the Vaca-Dixon Substation, but that parcels located more than 1 to 2 miles from the interconnection are most desirable "considering the tradeoff of energy losses and economic costs associated with a longer generation tie line length." (Application, Volume 1, Part 3, Section 5.0 at pdf p. 457.) The County is aware of other parcels of similar or larger size that are not considered Prime, Unique or Farmland of Local or Statewide importance that would require a roughly 1-mile gen tie line to the Vaca Dixon substation.

Additionally, of the three sites considered by the applicant, Site 2 was not chosen because it was farthest from the Vaca-Dixon Substation, would require additional easements, and is not currently under NextEra's site control, which presumably means ownership or under contract with the property owner. Although each of these factors may require additional cost and time to address, they should be compared to the detrimental impacts of the selected site with regard to environmental

impacts and human health and safety. The site selected for the Project is located on Prime Farmland, which means it has the best combination of physical and chemical features able to sustain long-term agricultural production. Protecting this type of high-quality farmland from conversion to non-agricultural uses in Solano County is a priority of both Solano County and the State of California and is critical to maintaining Solano County's agricultural economy and cultural heritage. In Solano County, the conversion of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland for BESS projects requires an up to 3:1 mitigation ratio. This, along with other impacts such as access to emergency services and proximity of human populations, must be considered as part of a complete alternative site analysis. The Application's Alternative Analysis does not adequately analyze and address these considerations.

**Comment 6: Inadequate Consideration of Best Available, Safe Technology.**

The Application also fails to consider best available, safe technology. The Application does not consider iron-air battery systems, which are being deployed by Sacramento Municipal Utility District (<https://essinc.com/ess-commissions-first-iron-flow-battery-deployment-for-sacramento-municipal-utility-district/>) (200 MW and 2 GWh), and other battery energy storage system chemistries that would minimize the risk of thermal runaway and associated risks to Travis AFB, sensitive receptors and nearby agriculture. (See Application, Volume 1, Part 3, Section 5.0 at pdf p. 471-73.) According to Form Energy, a manufacturer of Iron air batteries "Lithium-ion batteries, the current market driver, cost \$200 to \$300 per kilowatt-hour. Iron air batteries, in contrast, cost about \$20 per kilowatt-hour." (<https://www.wvia.org/news/pennsylvania-news/2024-02-19/form-energy-to-begin-manufacturing-iron-air-batteries-in-weirton-to-stabilize-electrical-grid>). Iron air batteries must be considered in the Technology Alternatives.

Additionally, the Application prioritized "optimal energy density, efficiency, responsiveness to peak demand requirements, and cost" in selecting lithium-ion batteries as the preferred technology. (See Application, Volume 1, Part 3, Section 5.0 at pdf p. 473.) The Application admits that CAES and thermal energy present potentially fewer overall environmental impacts and omits any comparison of technologies based on hazard risk and emergency response.

**Comment 7: Inadequate Emergency Response and Action Plan.**

Under SB 38, a comprehensive Emergency Response and Action Plan (ERAP) for a BESS system not operated by a publicly owned electric utility is required to be filed with the local government prior to commissioning. This plan must be coordinated with local responding jurisdictions and should outline clear protocols for communication, incident response, and evacuation procedures in the event of fires, explosions, or hazardous material releases. The County requests that the CEC deem the Application incomplete until an ERAP is submitted following coordination with local emergency management agencies, unified program agencies, and local first responders in order to adequately address community safety. Although AB-205 does not require an ERAP as part of a complete opt-in application, SB 38 was enacted specifically to address critical health and safety concerns and an ERAP was required as part of Solano County's complete application packet to allow first responders the time to develop protocols and an understanding of the potential impacts to residents, businesses

and agriculture. As discussed above, the ERAP submitted by NextEra to the County back in 2023 was lacking critical information.

Additionally, in order for first responders to adequately prepare for response to thermal runaway incidents, Solano County requests a Host Community Agreement with the applicant that would address the following costs that would otherwise be borne by Solano County taxpayers: funding for dedicated/new staff at Solano County Office of Emergency Services to coordinate and prepare response and evacuation protocols, a dedicated fire truck capable of dispensing fire suppressant designed to treat BESS thermal runaway, an insurance policy or financial assurance for the replacement of Personal Protective Equipment that becomes contaminated in the response to a thermal runaway incident, training on fighting BESS thermal runaway for all Solano County Fire Departments and Fire Protection Districts provided by equipment manufacturer as frequently as requested by the Solano County Office of Emergency Services. Additionally, in order to allow for safe deployment of an emergency command center, to protect public health and safety and protect nearby prime farmland, sensitive waterways and canals, and public roads from contamination in case of a thermal runaway incident, Solano County requests setbacks of BESS modules at 300 ft from the property line, 600 ft from any public road (Kilkenny Rd and Byrnes Rd) and recommends a 600 ft setback from any existing and potential adjacent agricultural processing facilities.

**Comment 8: Inadequate Air Quality and Green House Gas Analysis.**

The Application provides Air Quality and Green House Gas (GHG) Analysis only for construction and normal operations, without addressing the Air Quality and GHG impacts of thermal runaway. As a region with a proud and vibrant agricultural community, several farmers growing nuts and row crops, vintners growing wine grapes, and ranchers raising cattle have expressed concern of the impacts of thermal runaway to their livelihood. The Application does not address impacts of thermal runaway on any nearby agriculture, waterways, or farm animals. Additionally, the Application does not address the impacts of thermal runaway on nearby sensitive receptors, including but not limited to plume analysis, air quality impacts, required evacuations and road closures. The Application should be deemed incomplete while the analysis of thermal runaway impacts remains unanalyzed.

**Comment 9: Inadequate Analysis of Travis Air Force Base and National Security Concerns, Including a Plume and Runoff Analysis.**

Travis Air Force Base (“Travis AFB”), a critical national security asset, is located near the proposed project site. Travis AFB is the busiest military air terminal in the United States for handling cargo and passengers, representing a critical lynchpin in our nation’s national security infrastructure. Travis AFB is the West Coast terminal for aeromedical evacuation aircraft returning sick and injured patients from the Pacific Area. Thermal runaway plumes disrupting Travis AFB flight paths would undermine the critical mission performed by Travis and endanger our nation’s military readiness. This risk elevates the potential for intentional sabotage of the Corby BESS facility, resulting in intentional thermal runaway.

The application does not include plume or runoff analyses to assess the potential impact of smoke, airborne toxins, or chemical contamination in the event of an accident or disaster. The omission of these assessments raises serious concerns about the project’s compatibility with the safety and

operational needs of the base. (See Comment 4 [discussing Otay Mesa fire impacts].) Additionally, a thorough security risk assessment, including mitigation strategies for potential terrorist threats to the facility and nearby defense resources, is necessary. Although a Department of Defense Siting Clearinghouse Informal Review Request Form was submitted by NextEra on October 17, 2024, a response on project impacts to Travis AFB and other military facilities was not included in the application. Without an analysis of impacts to our nation's critical national security infrastructure, this application should be deemed incomplete in order to prevent the California Energy Commission from inadvertently undermining our national security and military readiness. Additionally, the Application should be deemed incomplete until the results of the Informal Review Request from the Department of Defense are provided.

Further, the applicant should be required to obtain a Federal Aviation Administration issued "Determination of No Hazard to Air Navigation." This documentation shall include written concurrence from the military authority responsible for operations in the flight area that all project components in the flight area would create no significant military mission impacts.

**Comment 10: Inadequate Details on Foreign Sourcing and Component Certification.**

The application lacks transparency regarding the sourcing of key materials, particularly the use of foreign-manufactured components. Given the difficulty in independently verifying foreign inspection and certification standards, we request that the application include a comprehensive sourcing and certification plan to ensure all components meet California safety and quality standards.

**Comment 11: Inadequate Noise, Visual, and Nuisance Mitigations.**

Noise, visual and other operational nuisances are of concern given the proximity to residential areas. The Application does not address mitigation measures for noise (County requirement is 65Db at any property line with records available upon staff request), increased night lighting (downlighting will be required), or visual impacts (photo simulations should be provided), which would detract from the area's rural character. Dense perimeter landscaping of ample height, spacing and leaf density will be required to provide total visual screening from all public roads. A complete noise and visual impact assessment, including proposed mitigation measures, is essential.

**Comment 12: Agricultural Impacts and Mitigation Measures.**

The environmental impact analysis provided in the application is insufficient, as it does not account for cumulative impacts on soil health, groundwater, and sensitive ecosystems (monitoring wells in the area have a shallow depth to groundwater). Moreover, given the significant impact on prime farmland and farmland of statewide importance, per the County's Agricultural Mitigation Ordinance we request a mitigation ratio of 3 acres for every 1 acre displaced by the project. This mitigation is necessary to offset the long-term impacts on agricultural resources and ensure compliance with local land-use policies. The current application proposes a 1.5:1 ratio, which is a minimum requirement of the County's General Plan.

It is a concern for the County that the adjacent agricultural properties may be temporarily or permanently damaged if soils, groundwater and edible crops are tainted either by runoff or smoke /

fumes. While it is possible to have negligible / little impact to the adjacent agricultural properties (crops produced adjacent to the site include prunes, hay, sunflower and almonds), another County concern is regarding diminished property values as well as the effects of any incident that may occur and the willingness of the applicant to mitigate property owners for loss of future earnings and any cleanup required. Access to agricultural properties to perform crop maintenance and harvesting activities will need to be addressed to ensure continuity of business operations. This is especially a concern during the construction phase of this project.

Once one property has been converted from active farming to a commercial use, the land may not be able to be restored to its prior productive agricultural use after a 20/30-year alternative use. This change of use will diminish overall viability of contiguous agricultural production in the Elmira/Maine Prairie and Dixon Ridge County Agricultural Regions.

The proposed development site and immediate area includes California Department of Conservation Farmland Mapping and Monitoring Program designated Prime Farmland, Farmland of Statewide Importance and Unique Farmland characterized as lands best suited to sustain long-term agricultural production. Farmland adjacent to the proposed development site is currently in almond, prune, hay, row crop and livestock production. Additionally, the proposed development site borders the County's Agricultural Reserve Overlay area that incorporates current, and encourages future, agricultural conservation easements supportive of local agricultural production consistent with California's 30x30 initiative aiming to conserve 30% of California's lands and coastal waters by 2030. Prime farmlands are highly valued and the loss of 40 acres through conversion of agricultural lands, particularly Prime Farmland and Farmland of Statewide Importance within the proposed development site, counters the State's intention to conserve agricultural lands to mitigate climate change impacts and preserve agricultural production and economies.

**Comment 13: Inadequate Surety or Bonding for Potential Disaster Impacts**

Considering the risks of thermal runaway, natural disasters, or equipment failure, a surety bond or other financial mechanism is necessary to cover potential disaster impacts, including property damage, environmental remediation, and public health responses. This provision would offer critical assurance to the community that financial resources will be available in the event of a major incident, and its absence renders the application incomplete. Solano County's BESS Technical Working Group has recommended the inclusion of financial assurance requirements in case of thermal runaway that cover all potential environmental cleanup costs, first responder equipment replacement costs, and the restoration of agricultural lands to prior productivity in the ordinance that will regulate the siting of BESS in the unincorporated County once approved. The Working Group has recommended that financial assurance be posted in increments as follows: at least 50% by the start of full commercial operation and 100% by the start of the fifth year of commercial operation. Alternatively, the American Clean Power Association's Model Ordinance includes requirements for financial assurance to be posted in the following increments: 25% by the start of full commercial operation, 50% by the start of the fifth year of commercial operation and 100% by the start of the tenth year of commercial operation. NextEra's current application contains no financial assurances either in the form of bonds or insurance policies that would protect Solano County taxpayers from bearing the cost of cleanup, restoration and equipment replacement in case of thermal runaway on site.

**Comment 14: Inadequate Assessment of Property Value Impacts for Adjacent Lands**

There is no evaluation of how the industrial nature of this facility may affect the property values of adjacent agricultural and residential lands. The presence of a large-scale BESS could detract from the rural character of the area, leading to reduced property values for nearby lands. The application should include a study of potential property value impacts, along with proposed compensation for any projected declines attributable to the facility. For example, in Mason County, Texas a resident living adjacent to a BESS facility was unable to sell his house and experienced adverse impacts due to the noise of construction and vibrations.

(See <https://www.youtube.com/watch?v=mUF CFDyNfXE>)

Solano County requests a commitment from the applicant to study impacts to adjacent lands, provide funds for the County to peer-review such study, and ultimately to reimburse the costs of relocation of residents and businesses located within 1 mile of the Corby BESS facility due to the impacts of construction, noise and health risks posed.

**Comment 15: Inadequate Road and Traffic Impact Analysis**

The current application lacks a detailed assessment of how construction and operational activities will impact local roads. Heavy equipment and frequent transportation needs are anticipated to affect road quality and traffic flow, yet the application does not account for associated costs or disruptions. A complete traffic impact study, along with a commitment to cover maintenance and repairs, should be provided. In order to assess damage on public roads due to construction, Solano County requests the applicant to provide the exact route to be taken by all vehicles associated with the construction and maintenance of the facility and a video taken of the route prior to construction and maintenance. In order to reimburse any costs associated with road repairs and maintenance, Solano County requests and agreement with the applicant to reimburse damage as a result of construction and maintenance of the facility.

**Conclusion**

Thank you for requesting input from the County on this Project. As stated above, the County intends to submit additional comments, including specific recommended conditions of approval, should the application be deemed complete.

Please let us know if you have any questions regarding this comment letter. The County looks forward to working in collaboration with the CEC, the applicant, and other interested parties to ensure that any project ultimately approved is both safe and beneficial to the people of Solano County.

Sincerely,



James Bezek, Director Resource Management  
Solano County

Cc: Bill Emlen, County Administrator, Solano County  
Bernadette Curry, County Counsel, Solano County