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Addendum to Original Previous Comments

Additional submitted attachment is included below.

October 2, 2026

California Energy Commission
715 P Street
Sacramento, CA 95814

RE: Corby Battery Energy Storage System (BESS) Project (Docket No. 24-OPT-05) — Late Public Comment Submission

Dear Executive Director Bohan, Chair Hochschild, and Commissioners:

I respectfully request that the California Energy Commission (“Commission”) accept this letter as a public comment regarding the proposed Corby Battery Energy Storage System (BESS) project. I understand that the official public comment period for the project has closed. Nevertheless, the serious safety and environmental issues associated with the project, together with recent real-world developments, warrant additional comment and therefore your consideration and inclusion in the administrative record.

The purpose of this letter is to supplement my previous comments concerning the risks associated with large-scale lithium-ion battery technology and to raise additional concerns regarding the adequacy, accuracy, objectivity, and completeness of the environmental review process.

1. Recent Re-Ignition at Moss Landing Demonstrates That the Risk Is Ongoing

My previous comments addressed the catastrophic thermal runaway event at the Moss Landing BESS facility in 2025. Unfortunately, the risks associated with large-scale lithium-ion battery storage are not merely historical or theoretical.

On September 18, 2026, a serious re-ignition event occurred at the Moss Landing facility, resulting in emergency shelter-in-place orders for nearby residents. This recent incident underscores the continuing potential for large-scale battery storage facilities to experience dangerous and unpredictable events, even after an initial fire or thermal incident appears to have been brought under control.

The Commission should therefore evaluate the Corby project in light of the full range of demonstrated risks associated with this technology rather than relying primarily on assurances regarding proposed mitigation measures.

The experience at Moss Landing demonstrates that the hazards associated with battery energy storage do not necessarily end when an initial incident appears to have been contained. Re-ignition, prolonged thermal events, toxic emissions, emergency evacuations, and the challenges of safely responding to large-scale battery fires all warrant meaningful, thoughtful, and unbiased consideration in the environmental review.

2. Describing Corby as Using “Newer” or “Safer” Technology Does Not Resolve the Long-Term Risk

In response to incidents such as Moss Landing, the energy industry has frequently emphasized that affected facilities may employ older or “outdated” technology and that newer battery systems, such as those proposed for Corby, will be substantially safer. While technological improvements are relevant, that argument does not adequately address the fundamental long-term concern.

Battery technology is evolving rapidly. Technology considered new today may become outdated within only a few years. A facility expected to operate for decades will inevitably contain equipment and systems that age, degrade, require maintenance or replacement, and eventually become technologically obsolete.

The community, however, will remain responsible for living alongside the facility and its associated risks throughout its operational life with minimal reward. It is therefore insufficient to characterize today's technology as “safer” without fully addressing how those risks will be managed as the facility ages, technology changes, equipment deteriorates, and components are replaced.

The Commission should require a realistic assessment of the project's risks over its entire expected operating life—not simply an assessment based on the condition and capabilities of the technology on the day the project is approved.

3. Concerns Regarding Predetermination and Objectivity in the EIR Process

I am also deeply concerned about the appearance that the outcome of the environmental review process may have been predetermined. Therefore, I fully support Linda Geller’s request for an independent investigation and executive-level review of the preparation, technical review, quality-control process, treatment of contrary evidence, and alternatives analysis underlying the California Energy Commission’s Staff Assessment/Draft Environmental Impact Report for the Corby Battery Energy Storage System Project dated September 11, 2026.

The California Energy Commission's statutory mission and the State's broader energy-policy objectives strongly favor the development of renewable and alternative energy infrastructure such as the Corby project. Those objectives are legitimate matters of public policy, but they should not supersede the Commission's obligation to conduct an objective and independent review of a project's environmental and public-safety impacts.

Of particular concern was a statement made by Executive Director Drew Bohan during his introductory remarks at the September 1, 2026, public meeting in Vacaville. In discussing concerns expressed by the public regarding BESS fires, he stated:

“One of them, though, was on fires. And I just want to say at the start, we're going to talk to you about that. We want to, I want the staff to explain to you how they arrived at the conclusion

that we arrived at, which is, we think this is not going to be dangerous for your community. And that's an important finding."

This statement was made **before** the Commission heard the additional public comments and testimony presented at that meeting. I found the statement troubling because it appeared to express a conclusion regarding the project's safety **before** the public had an opportunity to present its additional concerns and evidence and that additional comments regarding fires or thermal runaway events would be summarily dismissed.

If the Commission had already concluded that the project "is not going to be dangerous" to the community, it is understandable that residents would question whether subsequent evidence on other aspects of the DEIR, testimony, and legitimate objections will receive genuine and unbiased consideration.

An environmental review process must be more than a procedural exercise conducted after fundamental conclusions have already been reached. It would appear that Mr. Bohan, speaking on behalf of the Commission, had already made a substantive conclusion regarding BESS fires. The people who live in the affected community, as well as the environment in which they live (active agricultural, residential, medical, biomedical manufacturing, and Interstate 80 - a major transportation corridor between Sacramento and the Bay Area) **deserve an objective evaluation of the risks and a meaningful opportunity for contrary evidence to be considered.**

The Commission should therefore demonstrate through its actions that the final decision remains genuinely open to the evidence presented by the public and by their duly elected public servants, and that the Draft EIR will be revised if that evidence identifies deficiencies in its conclusions or analysis. It is obvious that public testimony **does** identify numerous and serious deficiencies in the DEIR for Corby.

4. Public Assurances Regarding Safety Must Be Supported by the Commission's Actions

The Commission has repeatedly emphasized that it listens to the public and takes community safety seriously. Chair David Hochschild has previously stated that the Commission "would not approve a project that its members would not feel comfortable having near their own homes or neighborhoods."

Such statements are reassuring in principle, but ultimately, the Commission's actions—not its assurances—will determine whether the public has reason to trust the process. Residents of Vacaville and Solano County are being asked to accept the permanent presence of a large-scale battery storage facility in their community, together with the potential consequences of a serious fire, thermal runaway event, toxic release, or other catastrophic incident. They deserve more than empty "assurances" from the Commission especially when those assurances are based on a flawed EIR.

The decision-makers evaluating the project are not likely to personally experience the same day-to-day risks and consequences as residents who live nearby. For that reason, the Commission should hold itself to an exceptionally high standard when evaluating the project's safety and environmental impacts.

Public confidence cannot be established through assurances alone. It must be demonstrated through an impartial review and a willingness to require substantial changes—or reject the project—if the evidence warrants doing so.

5. Failure to Meaningfully Consult Local Water Agencies and Water-Resource Experts

Another significant concern is the apparent failure to meaningfully consult local public agencies with specialized expertise and responsibilities relating to water resources, irrigation infrastructure, groundwater, drainage, and water quality. This should all be considered realizing that highly productive agricultural land is within close proximity to the proposed project.

The Solano Irrigation District (SID) and the Solano County Water Agency (SCWA) are local public agencies with substantial knowledge of the region's water infrastructure and water-resource conditions. Their expertise is particularly relevant to a project of this size and nature, given its potential implications for groundwater, stormwater management, drainage, water quality, emergency water use, and the potential release or migration of contaminants following a battery fire or other catastrophic event.

The issue is not simply whether these agencies were eventually permitted to submit comments. **The more important question is whether their specialized knowledge was meaningfully incorporated into the preparation and analysis of the Draft EIR.**

If agencies with direct responsibility and expertise concerning local water resources were not proactively consulted during preparation of the environmental analysis, that would represent a significant deficiency in the process that must be addressed by the Commission. **A public agency should not have to discover a potentially significant project affecting its area of responsibility and then attempt to raise its concerns after the principal environmental analysis has already been completed.**

This concern is particularly significant because the Corby project involves issues directly related to water resources, including groundwater, water use, stormwater retention and drainage, and potential impacts to water quality. These are precisely the types of issues for which local water-resource agencies possess specialized knowledge that should inform environmental analysis from the outset rather than being considered as an afterthought.

The concern, therefore, is not merely that these agencies may have been “ignored.” Rather, it is that the environmental review process appears not to have made full and timely use of the expertise of the local agencies charged with understanding and managing the region's water resources. If that is the case, my question – and yours should be – “why?” Was it because Staff

knew these agencies would have significant, relevant information and objections that would be detrimental to the findings of the EIR and therefore to the project itself?

Therefore, the Commission should clearly identify:

- What consultation occurred with the Solano Irrigation District and the Solano County Water Agency during preparation of the Draft EIR;
- What information was requested from those agencies;
- What concerns, recommendations, or technical information they provided; and
- How that information was incorporated into the environmental analysis.

If meaningful consultation did not occur, the appropriate remedy should not be limited to acknowledging the agencies' later comments. The environmental analysis should be supplemented or revised so that their expertise and concerns are fully evaluated and addressed before the Commission makes a final decision on the Corby project.

A project of this magnitude should not move forward on the basis of an environmental document that does not fully incorporate the knowledge, expertise, and concerns of the local public agencies responsible for protecting and managing the region's valuable water resources.

6. AB 205 and the Erosion of Local Democratic Authority

I am also deeply concerned about the manner in which the AB 205 opt-in process has effectively displaced local authority within the context discussed above.

The people of Solano County have expressed their concerns through multiple democratic channels. The Vacaville City Council and the Solano County Board of Supervisors have adopted ordinances intended to establish reasonable standards for BESS facilities. Local residents have also expressed their concerns through public testimony and through their votes on Measure T, the Solano County land-use initiative overwhelmingly passed in 2008 that protects agricultural land from uncontrolled and inappropriate development thereby preserving the county's historically rich agricultural heritage.

Yet the AB 205 process allows a state-level commission to override locally adopted protections and effectively remove significant portions of the decision-making authority traditionally exercised by the community through its democratically elected city/county representatives.

Regardless of one's position on renewable energy or battery storage, this raises a fundamental question of democratic accountability: **Who should bear the consequences of a project, and who should have meaningful authority to determine whether that project is appropriate – elected local representatives who are intimately familiar with the needs of the community or by unelected officials not familiar with the community, its history, or its legacy?**

Residents of Vacaville and Solano County will live with the facility, its potential hazards, its environmental consequences, and any future incidents. Their democratically elected representatives have attempted to establish safeguards for their constituents reflecting local

circumstances and community concerns. Those safeguards should not simply be rendered meaningless through a state-level process designed to advance broader policy objectives.

The State's clean-energy goals and priorities are important, but they should not come at the expense of meaningful local participation, public safety, environmental protection, or democratic accountability especially when another viable, less environmentally intrusive alternate site exists – namely, the Lambie Industrial Park. The convenience of the applicant should not carry more importance than the lives, livelihood, and quality of life of those who will be affected most by the project.

7. The Draft EIR Should Be Revised Before Any Final Decision

Taken together, these concerns raise serious questions about whether the Draft EIR provides a sufficiently complete and objective analysis upon which the Commission can reasonably base a final decision.

The Commission should not treat the EIR as a document that merely needs to be finalized after public comments are received. If substantive information, evidence, agency expertise, or community concerns demonstrate deficiencies in the existing analysis, those deficiencies not only should be addressed, **but they MUST be addressed before the project is approved.**

At a minimum, the environmental review should fully address:

- The demonstrated risks associated with large-scale lithium-ion battery fires and thermal runaway events, including re-ignition;
- The potential for toxic emissions and other hazardous conditions during and following a battery fire;
- The long-term risks associated with an aging BESS facility and evolving battery technology;
- Emergency-response capabilities and the ability to protect surrounding residents;
- Potential impacts to groundwater, surface water, drainage, stormwater, and water quality;
- The potential consequences of contamination resulting from a catastrophic battery event;
- The expertise, concerns, and recommendations of local water-resource agencies;
- A more comprehensive assessment of the feasibility of the Lambie Industrial Park, evaluated from the perspective of minimizing environmental impacts rather than prioritizing what is most economically expedient or logistically convenient for the project applicant;
- The cumulative and long-term environmental consequences of the project; and
- The concerns raised by local residents and their democratically elected representatives.

These issues must be addressed substantively and supported by evidence, rather than through generalized assurances that the project will be safe.

Conclusion

For all of these reasons, I respectfully urge the California Energy Commission **not to certify or approve the Draft EIR in its current form** and instead to require that the environmental analysis be supplemented and revised to address the substantial concerns raised by the public, local agencies, and other stakeholders including emergency first responders.

In its current form, the Draft EIR **cannot reasonably be regarded as a complete and reliable analysis of the environmental impacts of the Corby project**. Significant questions have been raised concerning its treatment of battery-fire risks, emergency response, long-term facility risks, water resources, local agency expertise, and the objectivity and completeness of the environmental review. **These issues should be resolved before the Commission relies upon the document as the basis for a final project decision.**

Given the volume and substance of the comments and objections raised, as well as the additional administrative and analytical work that may be necessary to adequately address them, it also appears difficult to justify proceeding to a final vote at the Commission's currently scheduled November 18, 2026, business meeting unless the environmental review has first been completed in a manner that fully addresses these concerns.

At a minimum, Staff should be required to prepare an adequate, comprehensive, and genuinely independent environmental analysis that fully addresses the legitimate safety, environmental, emergency-response, water-resource, and community concerns raised by residents, local government bodies, and local agencies.

The Commission should also require meaningful consultation with the Solano Irrigation District, the Solano County Water Agency, and other local agencies possessing relevant technical expertise, and should ensure that their information and recommendations are incorporated into the environmental analysis before a final decision is made.

Most importantly, the Commission should approach this project with an open mind and give genuine consideration to the evidence and concerns presented by the community. The people of Vacaville and Solano County deserve a process in which their voices matter and in which public safety and environmental protection are treated as fundamental obligations—not as obstacles to achieving predetermined energy-policy objectives.

I respectfully request that this letter be accepted into the administrative record and that the concerns raised herein be fully considered before any final decision is made regarding the Corby BESS project.

Sincerely,

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