PUBLIC REQUEST TO ADDRESS
THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, CALIFORNIA

Correspondence Received

			The following individuals submitted comments on agenda item:	
Agenda #	**Relate To**	**Position**	**Name**	**Comments**
48.		**Favor**	Jacqueline Ayer	Save Our Rural Town supports the appeal and offers the attached comments
			Jacqueline Ayer	Save Our Rural Town supports the appeal and offers the attached supplemental comment letter
		Item Total	**2**	
Grand Total			**2**	

As of: 2/2/2026 9:00:11 PM

SAVE OUR RURAL TOWN

January 25, 2026

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012
Electronic transmission of a 46 page letter & 6 Attachments to:

Subject: Supplemental Comments Offered by Save Our Rural Town.

References: Project No. PRJ 2023-002405-(5) and Application No. RPPL2023005137.
Appeal of Regional Planning Commission Approval filed Sept. 3, 2025.
Board Letter and Department Statement dated January 27, 2026.

Dear Supervisors:

Save Our Rural Town (SORT) respectfully offers the following comments and analysis to the Los Angeles County Board of Supervisors (Board) in support of our appeal of the referenced project and in response to representations made to the Board by the Department of Regional Planning (Planning or Regional Planning) and the project developer (Applicant) pertaining to the Battery Energy Storage System (BESS) approval as an Accessory Use to a utility scale solar development on agriculturally zoned property in the rural unincorporated Community of Neenach.

The following analysis was prepared by Jacqueline Ayer, Director of Save Our Rural Town. Ms. Ayer has 40 years of engineering and regulatory compliance experience involving environmental impact analyses; air toxics assessments; air emission testing, modeling, and control; land use; noise analyses; and other matters. For over 20 years, Ms. Ayer has actively participated in adjudicatory and quasi-legislative proceedings involving electrical infrastructure before the California Public Utilities Commission, the Federal Energy Regulatory Commission, the Department of Energy, and the California Energy Commission; such participation included the preparation of expert witness testimony, briefs, and comments regarding the design, configuration, and need for electrical facilities. Ms. Ayer has a Bachelor's Degree in Physics from Vassar College and a Master's Degree in Mechanical Engineering from the University of California at Berkeley. Accordingly, the comments provided herein constitute "substantial evidence" as that term is defined by California Public Resources Code §21080(e).

INTRODUCTION

On August 20, 2025, the Regional Planning Commission (Commission) convened a hearing to consider a Conditional Use Permit (CUP) for the utility scale solar farm with a BESS. Before the Commission hearing, SORT submitted written comments in an email directed to staff from the Department of Regional Planning. These comments expressed a number of concerns regarding the project and in particular, addressed zoning inconsistencies and identified wildfire, public safety, hazardous emission, and noise as potentially significant and unmitigated impacts generated by the project. SORT also commented that, because the BESS utilizes a lithium ion battery chemistry, it is susceptible to spontaneous deflagration and thus poses certain unique public safety risks that must be addressed. Additionally, and among other things, SORT pointed out that the project requires substantial water resources and firefighting infrastructure to ensure that BESS ignition events will be adequately handled.

SORT also testified at the Commission hearing on August 20, 2025 and reiterated the concerns expressed in our written comments. Nonetheless, the Commission found that the environmental effects resulting from the project were all "less than significant", and thereupon adopted a Mitigated Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) and approved the CUP. Believing that the project was inconsistent with the Zoning Code and would result in significant environmental impacts, SORT appealed the Commission's approval of the project to the Board of Supervisors; since filing the appeal, SORT has submitted additional comments in support of the appeal. The appeal hearing was scheduled for January 27, 2026, and on January 22, 2026, the Executive Office posted the hearing agenda along with two documents prepared by Regional Planning: a brief "Department Statement" and a more lengthy "Board Letter". The Board Letter includes an 8 page recommendation letter from Planning that articulates why the Board should deny the appeal; it also provides a 23 page supplement submitted by the Applicant as well as the written appeal and records from the Commission hearing. On January 23, the County filed a supplemental agenda indicating that the hearing would be convened on February 3.

SORT has reviewed Planning's "Department Statement" and 8 page recommendation to the Board as well as the Applicant's 23 page supplement, and concluded that none of it addresses the zoning inconsistency and environmental impact concerns that SORT has raised. More importantly, SORT has identified numerous deficiencies in Planning's Department Statement and Board recommendations, and in the Applicant's supplement; these errors and deficiencies are addressed below.

ERRORS & DEFICIENCIES NOTED IN THE DEPARTMENT STATEMENT.

The two-page Department Statement submitted to the Board makes certain misrepresentations regarding the Commission Hearing and the extent to which SORT's concerns were addressed therein. Some of these misrepresentations are harmless (such as the fact that the hearing was on August 20, 2025 - not on August 22, and that only one member of SORT spoke - the speaker misidentified as a representative of SORT was actually speaking on behalf of the Association of Rural Town Councils). However, other misrepresentations are more serious and are therefore addressed in detail below. Specifically, the Department Statement asserts that, at the Commission hearing, the Applicant and Planning Staff "responded to" the following concerns raised by SORT:

- The approval of a BESS as an accessory use violates the Zoning Code;
- Noise impacts are not mitigated to a level that is "less than significant";
- The Mitigated Negative Declaration fails to address the Project's wildfire and hazardous emission impacts;
- Water resources claimed in the Project do not exist; and
- The proposed 10,000-gallon water tank is insufficient for BESS fire suppression and wildfire protection.

SORT respectfully disagrees with this assertion because the video and transcript of the Commission hearing demonstrates that these concerns were not addressed. For clarity, the transcript is provided in Attachment 1 and each of the following subsections address a specific concern and show how the concern was not addressed

Neither staff nor the Applicant addressed SORT's concern that the BESS approval violates the County Zoning Code

SORT's written communication to Planning staff before the Commission hearing (provided in Attachment 2) identifies various issues of concern, and in particular, it explains that the Zoning Code prohibits energy storage devices in all agricultural zones[1]. At the hearing, SORT pointed out that "zoning is a problem" because the BESS is being approved as an accessory use which is not permitted by the Zoning Code[2]; this is because the County can only approve an accessory use if the use is listed as a permitted accessory use in the Zoning Code (as explained in SORT's appeal)[3]. Because BESS is not

[1] Bullet Item #1 in SORT's email to Regional Planning provided in Attachment 2.
[2] Commission hearing video time stamp 34:32.The video of the Commission is available here: https://lacdrp.legistar.com/DepartmentDetail.aspx?ID=27019&GUID=8178E166-8CED-450A-B6A1-611E6E111DA7&Mode=MainBody#
[3] Supplemental comments attached to the Appeal. Pages 1-3.

listed as a permitted accessory use in any agricultural zone, it cannot be approved as an accessory use in any agricultural zone. This was recently affirmed in a Decision issued by the Los Angeles County Superior Court which determined that, because a BESS is not identified as a use that is permitted in an M-1 industrial zone, the Zoning Code excludes BESS from being permitted in an M-1 industrial zone[4]. Together, these facts show that the Commission's approval of an accessory BESS use in an agricultural zone was improper and violated the County Code.

Neither staff nor the Applicant addressed these concerns during the Commission hearing. Instead, the Applicant stated that solar facilities are permitted in agricultural zones with a Conditional Use Permit[5] (a fact which is not disputed), and a member of the Planning Staff stated that the BESS will "be installed at the southwestern corner of the project site as an accessory use"[6] and that "as an accessory, it's considered as part of the project, and that's why we, we are authorizing it, you know, through the CUP with the solar"[7]. However, none of these statements address SORT's concern that the County cannot approve an accessory BESS use in any agricultural zone because BESS is not identified as a permitted accessory use in any agricultural zone.

During the Commission hearing, SORT also pointed out that BESS are prohibited as a principal use in agricultural zones[8]; this means that the Zoning Code precludes the County from approving a standalone BESS in agricultural zones. Neither staff nor the Applicant addressed this concern. Instead, a member of the Planning staff commented that, if the BESS were proposed as a standalone use, "it would still require a CUP in the zone, per our current policy, as it's considered similar to an electrical substation - distribution substation, which currently requires a CUP in an A2 zone"[9] (the "policy" referred to here is set forth in "Interpretation Memo No. 2021-03" issued by the Director of Regional Planning in 2021[10]). This statement is nothing short of an open admission that Regional Planning's current policy (as set forth in the interpretation memo) directly contradicts the adopted Zoning Code because it authorizes the approval of a Conditional Use Permit for a BESS energy storage device as a principal use on agriculturally zoned land *even though the Zoning Code expressly* ***prohibits*** *BESS*

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[4] This is discussed in detail in a letter sent to the Board of Supervisors on November 7, 2025.
[5] Time stamp 25:01.
[6] Time stamp 9:38.
[7] Time stamp 46:08
[8] Time stamp 34:32.
[9] Time stamp 46:08
[10] "Subdivision And Zoning Ordinance Interpretation No. 2021-03 – Battery Electric Storage Systems" [https://planning.lacounty.gov/wp-content/uploads/2023/02/ip_2021-03_sub-zon-ord.pdf].

energy storage devices as principal uses in all agricultural zones! What is particularly shocking about this is that the Superior Court decision discussed above clearly articulates that, while the Director of Regional Planning has the authority to issue interpretations and memos, "such authority cannot be used in such a way as to violate the provisions of the Zoning Code".

Contrary to what is asserted in the Department Statement, SORT's concerns regarding zoning violations perpetrated by the approval of a BESS as an accessory use to a solar farm were not addressed at the Commission hearing; in fact, they were completely ignored by both the Applicant and planning staff. Worse yet, the Commission hearing revealed that Planning maintains a policy which, if implemented in agricultural zones, will violate the Zoning Code and is contrary to a recent judicial decision.

Neither staff nor the Applicant addressed SORT's concern that project noise impacts are not mitigated to a level that is "less than significant".

Before the Commission hearing, SORT pointed out that the Initial Study (IS) improperly relied on the 75 dBA construction noise standard established by Section 12.08.440 of the County Code to conclude that the project will have no significant noise impacts[11]. SORT explained that the 75 dBA noise standard only applies to construction activities lasting less than 10 days and that, because project construction will take many months, the 75 dBA standard does not apply[12]. This fact is confirmed by Figure 1, which precisely reproduces County Code Section 12.08.440 and proves that the 75 dBA standard is limited to only short term construction activities lasting less than 10 days. Because the 75 dBA construction noise standard authorized by Section 12.08.440 does not apply to the project, the IS and the Mitigated Negative Declaration (MND) improperly relied upon it to conclude that project construction noise impacts are not significant. Accordingly, there is no evidentiary basis to conclude that the project will have no significant noise impacts. This concern was ***not*** addressed at the Commission hearing by either staff or the Applicant. In fact, the only relevant testimony came from the Applicant's representative (Jessie Fan) who stated[13] "The IS/MND and the technical

[11] Bullet Item #7 in SORT's email to Regional Planning provided in Attachment 2.
[12] During public comment at the August 20, 2025 Commission meeting, SORT explained that the 10 day limit is essential to the Section 12.08.440 Noise Standard because 75 dBA is actually a very, very loud noise level. Recognizing this, the Board concluded that allowing lengthy construction projects to routinely generate 75 dBA noise levels would be too disruptive; that is why the Board limited the 75 dBA noise ceiling to just those construction projects lasting less than 10 days. Transcript time stamp 1:00:36.
[13] The video can be accessed here: https://lacdrp.legistar.com/DepartmentDetail.aspx?ID=27019&GUID=8178E166-8CED-450A-B6A1-611E6E111DA7&Mode=MainBody#

noise analysis that was provided in the initial study site to county code section 12.08.440, regarding construction noise. This section contains the appropriate standards for construction activity, which is the 75 DBA standard, because the analysis of the mobile construction equipment (so, equipment that would move around the site, any tractors or excavators) those would be what is appropriately used"[14]. This testimony merely confirms that the 75 dBA short term construction noise standard was relied upon by the IS/MND; it ***does not*** address SORT's concern that the 75 dBA standard is not even applicable because construction activities will last more than 10 days. The only other relevant statement by Ms. Fan was that the Applicant's noise analysis "was also confirmed and reviewed by the Department of Public Health"[15]. However, the Health Department ***did not*** "confirm" applicability of the 75 dBA standard; to the contrary, the Health Department report (provided in Attachment 3) clearly articulates on page 3 that the 75 dBA noise standard applies to construction operation that is "intermittent", "short-term", and "less than 10 days". Contrary to what the Department Statement claims, SORT's concerns regarding the applicability of the 75 dBA noise construction standard *were* ***not*** *addressed at the Commission hearing*.

Figure 1. Section 12.08.440 of the County Code

12.08.440 Construction noise.

A. Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between weekday hours of 7:00 p.m. and 7:00 a.m., or at any time on Sundays or holidays, such that the sound therefrom creates a noise disturbance across a residential or commercial real-property line, except for emergency work of public service utilities or by variance issued by the health officer is prohibited.

B. Noise Restrictions at Affected Structures. The contractor shall conduct construction activities in such a manner that the maximum noise levels at the affected buildings will not exceed those listed in the following schedule:

1. At Residential Structures.

a. Mobile Equipment. Maximum noise levels for nonscheduled, intermittent, short-term operation (less than 10 days) of mobile equipment:

	Single-family Residential	Multi-family Residential	Semiresidential/ Commercial
Daily, except Sundays and legal holidays, 7:00 a.m. to 8:00 p.m.	75dBA	80dBA	85dBA
Daily, 8:00 p.m. to 7:00 a.m. and all day Sunday and legal holidays	60dBA	64dBA	70dBA

[14] Hearing Transcript provided in Attachment 1. Time stamp 39:32.
[15] Time Stamp 40:35

Another concern that SORT raised in advance of the Commission hearing was that, because the 75 dBA short term construction noise standard does not apply to the construction phase of the project, the more stringent standards set by Section 12.08.390 (Exterior Noise Standards) are applicable[16]. SORT's written communication submitted before the Commission hearing specifically identifies 50 dBA as applicable to the project; this is because Code Section 12.08.390.B establishes 50 dBA as the "L50" Exterior Noise Standard that may not be exceeded on adjacent properties for more than 50% of the time (or 30 minutes in any hour). During the Commission hearing, SORT also identified a 60 dBA standard; the limited time granted for public comment prevented SORT from providing citations for this standard, but SORT was referring to the L8.3 Exterior Noise Standard established by Section 12.08.390.B which may not be exceeded on adjacent properties for more than 8.3% of the time (or 5 minutes in any hour). Page 5 of the Health Department report identifies the Exterior Noise Standards applicable to the project and confirms that the 50 dBA and 60 dBA standards identified by SORT are the applicable "L50" and "L8.3" standards, respectively; it also establishes that 65.9 dBA is the correct "L1.7" standard that may not be exceeded for more than 1.7% of the time (or 1 minute in any hour).

The Health Department report clearly enumerates the Exterior Noise Standards applicable to the project, so they should have been addressed in the IS/MND; however, they are not even mentioned. Moreover, neither staff nor the Applicant addressed SORT's concerns regarding the applicability of Exterior Noise Standards set forth in Section 12.08.390 (because the construction noises standard in Section 12.08.400 clearly does not apply). Worse yet, the Applicant's representative (Jessie Fan) grossly misstated SORT's testimony and erroneously claimed that SORT was improperly citing to a "stationary equipment" noise standard[17]. Nothing could be further from the truth[18]. Accordingly, and contrary to what is claimed in the Department Statement, SORT's concerns regarding the applicability of Section 12.08.390 *were **not** addressed at the Commission hearing*.

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[16] In Bullet Item #7 in SORT's email to Regional Planning provided in Attachment 2, SORT points out that, because the 75 dBA construction noise standard does not apply to the project, the standards established by Section 12.08.390 for Exterior Noise Limits apply.

[17] Ms. Fan asserted "The section that was previously cited [by SORT] is related to stationary noise sources that are fixed or motionless, such as pumps, fans, compressors or air conditioners or refrigeration. So that is not the appropriate standard". Time Stamp 40:00.

[18] As the transcript provided in Attachment 1 proves, SORT ***never*** cited to any "stationary noise" standards, and Ms. Fan's mendacious claim that SORT improperly cited to "stationary noise" standards is unsubstantiated and lacks foundation.

Before the Commission hearing, SORT explained to staff that project construction activities will exceed the maximum Exterior Noise Standard established by Section 12.08.390[19]. For example, the Applicant's "Noise Technical Memorandum" dated April 10, 2025 states that pile driver operations (which will occur continuously for 12+ hours per day for months on end) will generate 78.2 dBA noise levels more than 700 feet away[20]; this means that, when the pile driver operates within 175 feet of an adjacent property line, the noise generated on the adjacent property will be greater than 84 dBA[21] and thus exceed the L0 Exterior Noise limit of 83.1 established by the Health Department[22]. Pile driver operations will also violate the L1.7 standard of 65.9 dBA because pile drivers generate rapid and continuous metallic impact noises and thus will never remain below 65.9 dBA for 59 minutes of every hour.

SORT also pointed out before the Hearing that the Applicant's "Noise Technical Memorandum" substantially underrepresents *actual* noise levels that will be experienced on adjacent properties because it improperly reports noise events as average "L_{eq}" values[23] rather than as *actual* "Noise Level" values ("Ln values") as required by the County Code. For instance, the 71.8 dBA value reported in Table 6 of the "Noise Technical Memorandum" for construction/installation activities at 718 feet is an L_{eq} value that averages all noise events generated by all sources; therefore, it masks the 78.2 dBA noise that will be repeatedly experienced by all surrounding properties every time a pile driver activates[24]. Neither Staff nor the Applicant addressed any of these concerns during the Commission hearing; in fact, the only testimony that was peripherally relevant was offered by a planning staff member who stated "Analysis for construction and operation noise was reviewed by the Department of Public Health and was determined complete and sufficient, and that the project's noise level would not

[19] In Bullet Item #7 in the email to Regional Planning provided in Attachment 2, SORT points out that, when *actual* noise generation characteristics are considered, the project exceeds the County's Exterior Standards (which SORT understood to be 50 dBA for L50, 55 dBA for L25, 60 dBA for L8.3, and 65 dBA for L1.7; this understanding was correct except for the L1.7, which the Health Department determined should be 65.9 dBA, not 65 dBA).

[20] Page 35 of the 38 page "Noise Technical Memorandum" dated April 10, 2025.

[21] Assumes a standard geometric noise attenuation rate of 3 dBA noise reduction per distance doubled.

[22] The table on page 5 of the Health Department Report provided in Attachment 3 establishes an L0 limit of 83.1 dBA, which means that the noise on an adjacent property may never exceed 83.1 dBA.

[23] In Bullet Item #7 in in the email to Regional Planning provided in Attachment 2, SORT explains "the developer fails to report the actual construction noise levels that will occur (as required by County Noise Standard), and instead improperly averages all noise levels over an unspecified period of time (probably 8 or 24 hours) and reports them as an "L_{eq}" value; this masks the actual noise impacts and reports an average noise level that is much lower than what will actually occur.

[24] As shown on page 35 of the Applicant's 38 page "Noise Technical Memorandum", the 71.8 dBA L_{eq} reported in Table 6 is nothing more than an averaging of all construction noise sources, including the 78.2 dBA generated by pile driver operations.

have a significant impact in the surrounding area"[25]. Not only does this statement fail to address the matters SORT has raised; it is also inaccurate and misleading because the *actual* recommendations made by the Health Department were "Construction noise needs to be determined and addressed" and "Operational noise from the subject site needs to be determined and mitigation measures applied as needed prior to permitting the construction"[26]. These recommendations are dated May 15, 2024 and were prepared by the Health Department ***long before*** Regional Planning received the "Noise Technical Memorandum" dated April 10, 2025 that is included in the Board Letter. Accordingly, and contrary to what is claimed by the Department Statement, SORT's concerns regarding exceedances of Exterior Noise Standards and the improper reliance on average "L_{eq}" noise data *were **not** addressed at the Commission hearing*.

Incidentally, the 78.2 dBA construction noise level that the Applicant estimates for adjacent receptor locations[27] *actually* exceeds the 75 dBA short term construction noise standard established by Section 12.08.440! So, even if the 75 dBA construction noise standard were applicable to this project (which it is not), then the Applicant's "Noise Technical Memorandum" proves this 75 dBA standard will be continuously exceeded throughout the construction and installation process. All of this facially contradicts the conclusion set forth in the IS/MND that the project complies with the 75 dBA construction noise standard, and it eliminates the entire evidentiary basis for Regional Planning's conclusion that the project will have a "less than significant" noise impact.

Finally, the IS/MND misrepresents the 75 dBA short term construction noise standard under Section 12.08.440 as an "L_{eq}" standard[28], and based on this misrepresentation, the IS/MND improperly cites the 71.8 dBA L_{eq} value reported in the "Noise Technical Memorandum" to conclude that the project will not have significant noise impacts. However, the County's 75 dBA short term construction noise standard ***is not*** an L_{eq} standard. In fact, *none of the noise standards imposed by the County's Noise Control Ordinance are L_{eq} standards*[29]*, and insofar as SORT can determine, the County Code does not have any "L_{eq}" noise standards*[30]. To be clear, the County's Noise Control Ordinance states that adopted noise standards are based on "Noise Level" or "L_N" values

[25] Time Stamp 12:21
[26] Health Department's report is provided in Attachment 3. Pages 5-6.
[27] The 78.2 dBA construction noise projection is identified on Page 35 of the 38 page "Noise Technical Memorandum) dated April 10, 2025.
[28] Page 80 of the IS/MND found on the 290th page of the 1770 page Board Letter.
[29] The County Noise Control Ordinance is promulgated as Chapter 12.08 of the County Code.
[30] The term "L_{eq}" occurs only in the Zoning Code in relation to noise monitoring for oil drilling operations: see Chapter 23.310 (the Baldwin Hills CSD) and Chapter 22.322 (Westside CSD).

which represents decibel exceedances as a percentage of total time measured[31]; thus, and as explained above, "L50" is the noise level which may not be exceeded for more than 30 minutes in any hour (or 50% of the time) and "L0" is the noise level which may never be exceeded. In contrast, "L_{eq}" values are "Equivalent Noise Level" values that are derived by averaging all noise events together. "L_{eq}" values are inappropriate for establishing Noise Standards because they provide no indication of the frequencies of excessive noise events (which is why "L_{eq}" is not found anywhere in the County's Noise Control Ordinance). Moreover, the County's Noise Control Ordinance clearly states that the 75 dBA construction noise standard is a "**maximum** noise level" which means that it *can **never** be exceeded at any time*[32]. The 75 dBA standard is an actual "Noise Level" standard that must be instantaneously met at every moment and never exceeded; thus, the IS/MND is fatally deficient because it improperly concluded that the 75 dBA standard was met based on average "L_{eq}" value. Moreover, because the Applicant's "Noise Technical Memorandum" plainly asserts that adjacent properties will routinely experience 78.2 dBA pile driver noise events, project construction *does not* comply with the 75 dBA "**maximum** noise level" standard that is erroneously purported to apply.

Together, these facts demonstrate that SORT's concerns regarding project noise impacts were not addressed at the Commission hearing; therefore, the Department Statement errs substantially in claiming that they were. These facts also demonstrate that 1) the project violates multiple provisions of the County Noise Control Ordinance; 2) the 75 dBA short term construction noise standard does not apply to the project; 3) the IS/MND improperly applied the 75 dBA short term construction noise standard to erroneously conclude that noise impacts were "less than significant"; 4) the IS/MND improperly considered average "L_{eq}" Equivalent Noise values rather than actual "L_N" Noise Level values as required by the County code; and 5) the Applicant's "Noise Technical Memorandum" proves that the project violates the (inapplicable) 75 dBA short term construction noise standard anyway. Thus, the project will result in significant noise impacts and an Environmental Impact Report is warranted.

Neither staff nor the Applicant addressed SORT's concern that the Mitigated Negative Declaration fails to address the Project's wildfire and hazardous emission impacts.

Before the Commission hearing, SORT pointed out that the BESS component of the project relies on a lithium-ion battery chemistry and is therefore prone to sudden and uncontrollable deflagration which in turn poses both wildfire and toxic emission risks.

[31] Section 12.08.250.
[32] Section 12.08.440.B

SORT also explained that these public safety impacts were not addressed in the IS/MND[33]. During the hearing, time limits imposed by the Commission on public comments prevented SORT from providing additional details regarding these impacts; however, we did state that the IS/MND does not mention the public safety risks posed by the lithium ion BESS and its susceptibility to deflagration and toxic release. We also pointed out that these risks are magnified by the fact that the project is in a Very High Fire Hazard Zone (even though the IS incorrectly claims that it is not) and that, because the IS/MND omitted these crucial factors, stakeholders were never informed of the danger and were thus deprived of the opportunity to comment on it[34]. SORT was not the only public speaker to raise this issue before the Commission[35].

Neither staff nor the Applicant addressed these fire concerns. Peripherally related testimony was offered by the Applicant's agent (Ryan Nyburg) who stated

> "*Well, BESS systems are equipped with fire suppression systems within the units to help regulate temperature if there was the start of thermal runaway. But the units go through rigorous UL testing, fire code testing, and there's stringent standards on the installation of these systems to help prevent those from occurring. But fire experts will say that the approach is a defensive approach to protect the surrounding areas, versus applying water directly to the containers themselves*" and "*Yeah, it burns, but their approach, the defensive approach, is protecting the surrounding area*" and "*It does burn*"[36].

These statements tacitly acknowledge SORT's concerns by affirming that: 1) BESS systems pose very real ignition risk because they "burn"; 2) special BESS "fire suppression systems" do not activate until ***after*** BESS ignition from thermal runaway; 3) testing and standards that apply to BESS ***do not*** prevent ignition and deflagration because they merely "help"; 4) lithium BESS fires are so complicated that firefighters have adopted special firefighting techniques; and 5) firefighters do not suppress a BESS fire and the only thing they can do is apply water "to the surrounding areas". The Applicant did not disclose that BESS fires last for days due to spontaneous and persistent reignition which compels firefighters to "babysit" BESS fires for days while the area is doused with hundreds of thousands of gallons of water.

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[33] Bullet Item #5 in SORT's email to Regional Planning provided in Attachment 2.
[34] Time stamp 34:04.
[35] ARTC President Centeno said "the biggest concern is that the residents, if they had known that there's a battery storage system coming there, there would have been a lot more concern, because lithium batteries are very volatile. If they catch fire, they cannot be put out. The fire department response from that area is not great because they don't have enough resources to get there on time". Time Stamp 36:04.
[36] Time stamp 42:47.

Regarding the toxicity risk posed by the BESS, neither staff nor the Applicant provided a response. Instead, the Applicant's representative (Mr. Nyburg) told the Commission that the BESS has "a lithium iron phosphate composition where there's no hazardous materials in that composition"[37]; however, this statement is categorically false. The electrolyte in Lithium Iron Phosphate BESS batteries utilize the same fluoride-based lithium salts as other lithium-ion BESS and therefore Lithium Iron Phosphate BESS fires emit toxic hydrogen fluoride (HF) just like other lithium ion BESS. Some studies even indicate that Lithium Iron Phosphate batteries emit higher levels of HF than other lithium battery chemistries[38]. Moreover, the quantity of toxic constituents released by a single deflagrating lithium BESS container is so significant, and the toxicity of the emittents are so high, that it can warrant "shelter in place" orders for residential areas within six miles of the BESS[39]. Accordingly, the failure of the IS/MND to address these concerns constitutes a fatal deficiency that invalidates the entire document. Moreover, and contrary to what the Department Statement alleges, neither staff nor the Applicant addressed SORT's concerns at the Commission hearing pertaining to the toxic emission risks posed by the BESS or the fact that the IS/MND completely ignores these risks.

Neither staff nor the Applicant addressed SORT's concern that the claimed water resources for the project do not exist.

Both before and during the Commission hearing, SORT explained that, contrary to what is asserted in the IS/MND, the project will not receive municipal water service from the Antelope Valley-East Kern Water Agency (AVEK) and that no reliable source of water has been identified for the project[40]. Neither staff nor the Applicant addressed this concern. Testimony that is marginally related was offered by a member of the Planning staff who said "Primary source of water will be purchased from a local water wholesaler if recycled water is not available"[41]. However, this statement is erroneous. The only water wholesaler in the area is AVEK, and AVEK only sells water to retail agencies and agricultural customers[42] (the Applicant is neither). Moreover, the retail agencies that receive AVEK resources only supply water to properties that are annexed into their

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[37] Time stamp 44:01.
[38] P.J. Bugryniec, et al. *Review of gas emissions from lithium-ion battery thermal runaway failure-considering toxic and flammable compounds*. Journal of Energy Storage, 87 (2024), Article 111288. Page 5. https://www.sciencedirect.com/science/article/pii/S2352152X24008739#b75.
[39] The Victoria BESS fire in Australia resulted in a "shelter in place" order that extended six miles. https://www.theage.com.au/national/victoria/blaze-at-tesla-big-battery-extinguished-after-three-day-battle-for-control-20210802-p58f6x.html .
[40] Bullet Item #4 in SORT's email to Regional Planning provided in Attachment 2. Time stamp 34:57.
[41] Time stamp 12:09.
[42] https://www.avek.org/about-us

service district, and agricultural customers are only served through AVEK's "Domestic-Agricultural Water Network" ("DAWN"). Because the project site is neither annexed into a retail water district nor served by DAWN, project water will not be "purchased from a local water wholesaler". Accordingly, the Department Statement errs in claiming that SORT's water resource concerns were addressed at the Commission hearing.

Neither staff nor the Applicant addressed SORT's concern that the proposed 10,000-gallon water tank is insufficient to respond to a BESS fire.

Before the Commission hearing, SORT pointed out that the 10,000 gallon water tank proposed for the project would not be sufficient to "deal with a BESS fire", that this concern is amplified by the fact that the project is in a Very High Fire Hazard Severity Zone, and that the IS/MND fails to address these concerns[43]. And, though SORT reiterated these concerns at the Commission hearing[44], they were not addressed by either Staff or the Applicant. Worse yet, the staff presentation explained that project operations would require very little water because water is only needed for "irrigating the landscaped perimeter buffer and washing the panels"[45]. This presentation proves that neither Regional Planning, nor the Fire Department, nor any other County agency gave any consideration to the water resources that will be needed to respond to a BESS fire (which, as explained above, persists for days and requires hundreds of thousands of gallons of water). It is mathematically impossible for a 10,000 gallon water tank to provide sufficient water volume and capacity to respond to BESS fires when they occur at the project site[46]. Other testimony offered at the hearing amplified SORT's concerns by explaining that Los Angeles County Fire Department (LACoFD) response to the remote project location "is not great" and that resource constraints limit response capabilities and response times[47].

Both in the U.S. and abroad, firefighter organizations recognize that BESS fires are dangerous, they last days or weeks, and require copious amounts of water to cool surrounding structures and vegetation and thus prevent fire spread; these organizations

[43] Bullet Item #6 in SORT's email to Regional Planning provided in Attachment 2.
[44] Time stamp 34:29.
[45] Time stamp 12:01.
[46] When LACoFD responds to a BESS fire on the project site, they will attach large (2.5 inch) water lines to the tank and connect them to the monitor equipment which puts out 1,000 gallons per minute; this means that the tank will be drained in 10 minutes. Additionally, LACoFD trucks do not carry more than 1000 gallons, and LACoFD water tenders do not carry more than 5,000 gallons. All of these water resources will be quickly used up, and after that, there will be no more water available to respond to the BESS fire.
[47] Testimony was provided by Jose Centeno, President of the Association of Rural Town Councils. Time stamp 36:20.

include the National Fire Protection Agency (NFPA)[48] and the National Fire Chief's Council in the United Kingdom[49]. Water resource availability is a "front and center" issue that must be considered before any BESS is approved. The abject failure of the IS/MND to address these risks and its failure to contemplate the water resources required to respond to a BESS deflagration and its failure to consider Fire Department response times constitute fatal deficiencies which render the MND in violation of the California Environmental Quality Act and utterly invalidate the project's approval.

ERRORS & DEFICIENCIES NOTED IN THE BOARD RECOMMENDATIONS.

Shortly before the scheduled January 27 hearing date, Regional Planning prepared a lengthy "Board Letter" which is prefaced with an 8-page summary that synopsizes Regional Planning's position on the appeal and then recommends denial of SORT's appeal. In the following paragraphs, SORT respectfully responds to this synopsis and identifies the deficiencies noted therein; some of these concerns are minor in nature, some are substantial. In the interest of brevity, the responses are arranged sequentially and correspond to the order in which the matters are synopsized.

Page 3: The Commission hearing. Planning indicates that two members of SORT gave spoken testimony before the Commission. This is incorrect. Only one member of the public who spoke that day represented SORT. The second speaker was President Centano of the Association of Rural Town Councils.

Page 3: Responses to concerns raised by SORT. Planning states that the concerns raised during public comment were addressed at the hearing by the Applicant's team. However, and as explained in detail above, the concerns that SORT raised at the hearing were not addressed by the Applicant or the Applicant's agents or Planning staff.

Pages 4-5: Zoning Consistency. Planning states that the BESS meet the definition of an "accessory structure" as set forth in County Code Section 22.14.010.A because the BESS is "subordinate and incidental in use" to the principal use (a utility scale solar farm). And, invoking Table 22.16.030-C, Planning asserts that structures which are accessory to a principal use are subject to the same permitting requirements as the principal use. Relying on these two statements, Planning claims that the BESS can be permitted with a Conditional Use Permit (CUP) because the principal use (a solar farm) requires a Conditional Use Permit. Essentially, Planning argues that any structure which is

[48] https://www.nfpa.org/en/forms/energy-storage-systems-safety-fact-sheet
[49] https://nfcc.org.uk/our-services/position-statements/battery-energy-storage-systems/

deemed "accessory" to a principal use can be approved with the principal use regardless of whether the use that is implemented within the "accessory structure" is permitted in the zone code. Such an argument is absurd because it conflates "structure" with "use" and fails to recognize that "structure" and "use" are separate and distinct items under the Zoning Code[50]. This argument is also facially contrary to Chapter 22.110 of the County Code which pertains to "General Site Regulations", applies to "developments in all zones" [22.110.020.A], and declares that a person "shall not use any building, structure, equipment, or obstruction within any yard or highway line except as hereinafter specifically permitted in this Title 22, and subject to all regulations and conditions enumerated in this Title" [22.110.020.B]. These code provisions clearly establish that an "accessory structure" *shall not be used in a way that is not permitted in the zone*. The following example illustrates this restriction:

> A farmer owns a large flat parcel of A-1 zoned land located outside of any hazard, hillside, or Significant Ecological area and wishes to develop the property with a crop cultivation operation that includes a large barn. This farmer can pursue a ministerial site plan approval for the development by designating the crop operation as a permitted principal use and the barn as a permitted accessory structure. However, the farmer intends to install a fertilizer plant in the permitted accessory structure to produce fertilizer for the crop cultivation operation; therefore, the development cannot be ministerially approved because a fertilizer plant is not a permitted principal or accessory use in the A-1 zone ***even though*** a barn ***is*** a permitted accessory structure in the A-1 zone.

This example demonstrates that it is not enough for a structure to be simply deemed "accessory" in order to receive County approval; Code Section 22.110.020.B also requires that Title 22 specifically permit the accessory use which will be established in the accessory structure. For the project at issue here, Title 22 does not permit BESS as an accessory use in agricultural zones and therefore, no BESS uses can be established in any of the accessory structures that are approved with the project. Accordingly, Planning is mistaken in believing that BESS containers can be authorized as "accessory structures" simply because they are deemed subordinate to the principal solar farm use because the energy storage devices that will be operated in these "accessory" structures are not permitted as either principal or accessory uses in any agricultural zone[51]. Thus, the County is precluded from approving a CUP for the solar farm which includes "accessory structures" that will be used to operate energy storage devices.

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[50] For example, Section 22.02.040 of the Zoning Code addresses how accessory uses and accessory structures are established, and it clearly draws a distinction between a "use" and a "structure".

[51] Table 22.16.030-B expressly prohibits "energy storage devices" as a principal use in all agricultural zones and it does not list "energy storage devices" as a permitted accessory use.

Page 5: Electrical Connection. SORT appreciates the clarification that SCE will construct the 12 kV generation tie-line[52]; this fully addresses SORT's concerns regarding whether a separate franchise ordinance is required.

Page 5: the 75 dBA Noise Standard Applied to the Project Noise Analysis. Planning asserts that the noise analysis was conducted in accordance with Section 12.08.440 of the County Code pertaining to Construction Noise, and that Section 12.08.440 sets a 75 dBA noise limit for mobile construction noise sources. However, Planning fails to explain how Section 12.08.440 and its associated 75 dBA standard apply given that 1) Section 12.08.440 states clearly and unambiguously that the 75 dBA standard only applies to short term construction projects that are less than 10 days; and 2) project construction will extend to 7 months and thus substantially exceed 10 days.

75 dBA is a very high noise level[53] and it causes substantial disruption to those are forced to experience it. That is why the County Noise Protection Ordinance expressly limits application of the 75 dBA noise standard to ***only*** short term construction projects; this ensures that substantial noise disturbances exist only for the short term. The Code does not allow long term construction projects to take advantage of the high 75 dBA standard because doing so would create long term and substantial disturbances at all affected receptors. Because the County Noise Protection Ordinance renders long term construction activities ineligible for the 75 dBA standard, they must comply with the Exterior Noise Standards established by Section 12.08.390; that is why SORT contends that project construction activities must comply with by Section 12.08.390 and not Section 12.08.440. The MND ignores this and fails to justify the 75 dBA standard that it relies upon to conclude the project will have no significant noise impacts. Accordingly, there is no substantial evidence to support the MND's conclusion that the project will not result in significant noise impacts. Equally important, SORT has provided substantial evidence showing that the project will result in significant noise impacts because it does not comply with either the applicable Exterior Noise Standard established by 12.08.390 or the inapplicable 75 dBA short term construction noise standard established by 12.08.440. All of this facially invalidates the MND and demonstrates that the MND does not comply with the California Environmental Quality Act (CEQA).

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[52] SORT understands that Planning intended to utilize the term "tie-line" rather than "time line" in paragraph 2 of page 5.

[53] It is equivalent to the noise generated by the operation of a powerful upright corded vacuum. https://ehs.yale.edu/sites/default/files/files/decibel-level-chart.pdf https://www.ecovacs.com/us/blog/how-many-decibels-does-a-vacuum-cleaner-produce

Page 5: Noise Study Methodologies. Planning argues that, because the Noise Study follows noise assessment methodologies adopted by the Federal Transit Authority (FTA) and Caltrans for the construction and operation of transit (roadway and railway/ metrorail) developments, and because the noise modeling prescribed by these methodologies assume all construction noise emanates from the centerline of the linear right of way that is being developed, it is acceptable to model the solar farm construction noise impacts by assuming that all construction noise generated by the project emanates from the center of the rectangular 40 acre parcel where the project is located. There are many flaws in this argument, not the least of which is that the large rectangular solar farm site is nothing like the narrow and linear transit sites which are properly treated as "line sources" in the FTA and CalTrans methodologies. In other words, while the narrow and linear construction sites involved in transit developments warrant an assumption that all construction noise emanates from the centerline of transit rights of way, the same assumption is not warranted for the large and rectangular configuration of the solar farm construction site which is neither narrow nor linear.

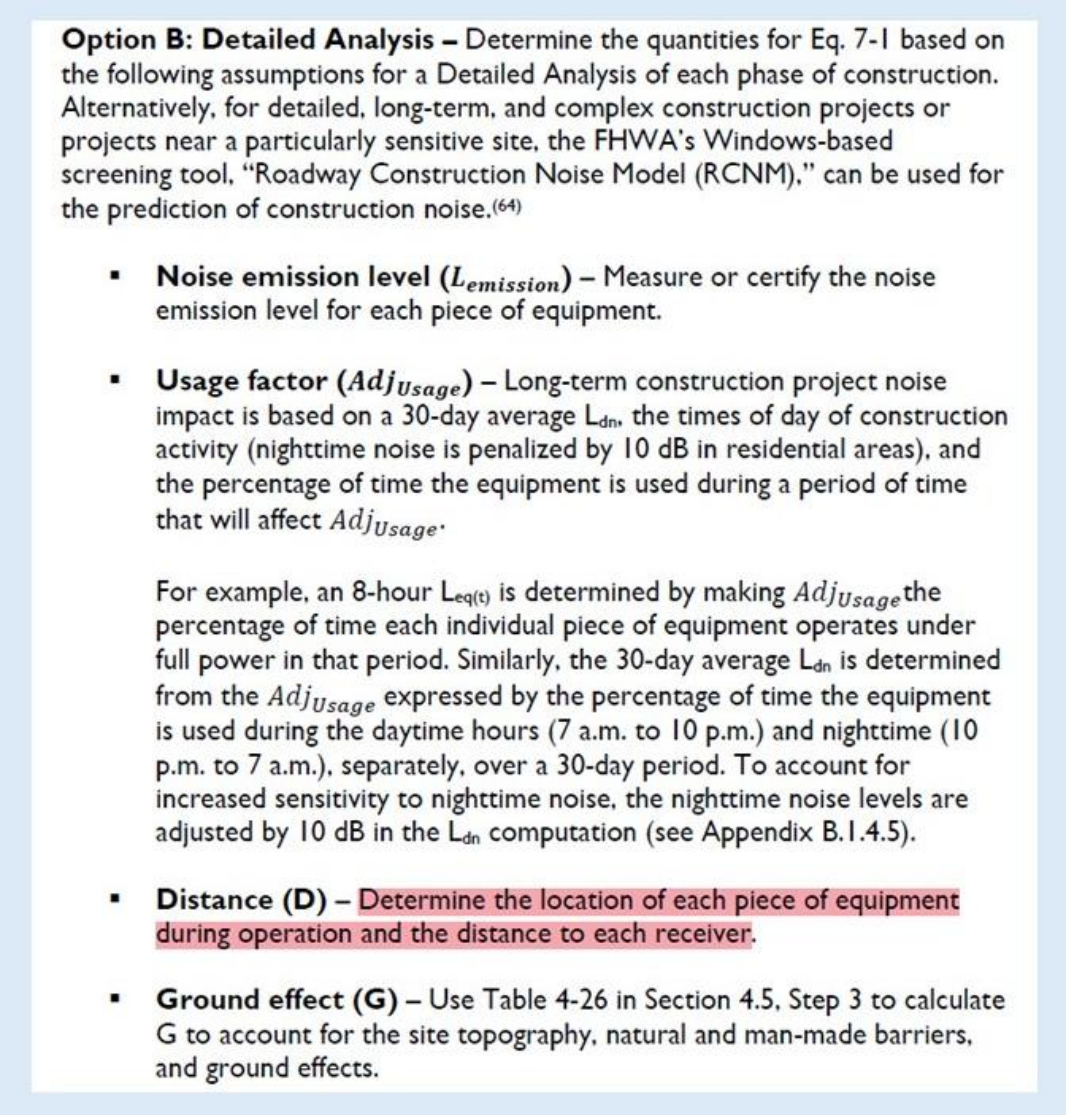
More importantly, Planning is factually incorrect in claiming that FTA methodologies assess noise impact distances by "modeling noise sources from the center of the site". In fact, the 2018 FTA Transit Noise and Vibration Impact Assessment Manual (FTA Manual) states categorically that construction noise modeling should "identify the location of each piece of equipment" and the "distance to the receptor"[54]. Figure 2 provides the excerpt from the FTA manual which proves this. Moreover, the FTA manual clearly states that the only time a noise assessment should assume that all equipment operates at the center of the project is at the early planning stages "when the equipment roster and schedule are undefined"; the FTA Manual refers to this as a "General Assessment"[55]. These are not the circumstances in the solar farm project because the Applicant knows with certainty what construction equipment will be used (including loud pile driver equipment) and where it will be operated (at very point where a solar panel is installed). Therefore, the Applicant's noise analysis does not implement FTA methodologies and Planning factually errs in claiming otherwise.

Regarding Regional Planning's allegations that the 2013 Caltrans Technical Noise Supplement (CalTrans Manual) recommends that noise sources should be assumed to operate at the center of the site: SORT has found no such recommendation anywhere in

[54] 2018 FTA Transit Noise and Vibration Impact Assessment Manual. Page 178. https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf

[55] Id at 177.

Figure 2. Excerpt from 2018 FTA Manual.



Option B: Detailed Analysis – Determine the quantities for Eq. 7-1 based on the following assumptions for a Detailed Analysis of each phase of construction. Alternatively, for detailed, long-term, and complex construction projects or projects near a particularly sensitive site, the FHWA's Windows-based screening tool, "Roadway Construction Noise Model (RCNM)," can be used for the prediction of construction noise.(64)

- **Noise emission level ($L_{emission}$)** – Measure or certify the noise emission level for each piece of equipment.
- **Usage factor (Adj_{Usage})** – Long-term construction project noise impact is based on a 30-day average L_{dn}, the times of day of construction activity (nighttime noise is penalized by 10 dB in residential areas), and the percentage of time the equipment is used during a period of time that will affect Adj_{Usage}.

  For example, an 8-hour $L_{eq(t)}$ is determined by making Adj_{Usage} the percentage of time each individual piece of equipment operates under full power in that period. Similarly, the 30-day average L_{dn} is determined from the Adj_{Usage} expressed by the percentage of time the equipment is used during the daytime hours (7 a.m. to 10 p.m.) and nighttime (10 p.m. to 7 a.m.), separately, over a 30-day period. To account for increased sensitivity to nighttime noise, the nighttime noise levels are adjusted by 10 dB in the L_{dn} computation (see Appendix B.1.4.5).
- **Distance (D)** – Determine the location of each piece of equipment during operation and the distance to each receiver.
- **Ground effect (G)** – Use Table 4-26 in Section 4.5, Step 3 to calculate G to account for the site topography, natural and man-made barriers, and ground effects.

Source: 2018 Federal Transit Authority Transit Noise and Vibration Impact Assessment Manual. Page 178.

the Caltrans document[56]. In fact, the word "center" does not appear anywhere in any Caltrans guidelines for assessing construction noise (specifically found in Section 7.5 "Construction Noise Analysis, Monitoring, and Abatement"). However, Section 7.5 ***does*** clarify that construction projects which involve pile drivers are considered "exceptional cases"[57] because their associated noise impacts are so disruptive and disturbing; it also states that, for prolonged construction projects with extensive pile

[56] The 2013 Caltrans Technical Noise Supplement is found here: https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tens-sep2013-a11y.pdf

[57] Id at 7-17.

driving, Caltrans always analyzes construction noise and its abatement in greater detail[58] because pile drivers are sources of "unusually high noise levels"[59]. These are certainly the circumstances presented by the solar farm project which involves a 7 month construction schedule and the principal construction equipment that will be used to install the solar panels are pile drivers. Accordingly, CalTrans noise assessment methodologies require special and detailed analyses of pile driver operations during construction. Unfortunately, the Applicant's "Noise Technical Memorandum" ***does not*** provide a special or detailed analysis of pile driver noise impacts; to the contrary, it provides a sloppy and inaccurate assessment that speciously assumes all pile driver noise sources are in the center of the project instead of where they will ***actually*** occur. Accordingly, the Applicant's noise analysis is actually contrary to CalTrans noise assessment guidelines.

These facts demonstrate that the Applicant's noise analysis is not consistent with either FTA or CalTrans noise analysis methodologies. It is not known why the County would just believe the Applicant's uncorroborated claims that the noise assessment is consistent with FTA and CalTrans methodologies; it is also not known why the Applicant's "Noise Technical Memorandum" would so grossly misrepresent FTA and CalTrans noise modeling methodologies. What is certain is that the noise analysis conducted by the Applicant *does not* conform with FTA or CalTrans standards, and as such, it does not constitute substantial evidence that the project will result in "less than significant" noise impacts.

Page 5: Health Department Review of Noise Impacts. Planning asserts that the County Department of Public Health reviewed the noise assessment and concluded that the project would have no noise impacts and that no mitigation is required. This is not consistent with the Health Department letter that has been made publicly available and is dated May 15, 2024. Specifically, the letter states on pages 5 that "Operational noise from the subject site needs to be determined and mitigation measures applied as needed prior to permitting the construction" and on page 6 "Construction noise needs to be determined and addressed.". These Health Department recommendations were issued nearly a year before the Applicant's "Noise Technical Memorandum" was submitted in April of 2025 and they certainly call into question Planning's conclusion (which is apparently based solely on the Health Department letter) that the project will not result in any significant noise impacts.

[58] Id at 7-19.
[59] Id at 6-10.

Page 5: Project Siting in a Very High Fire Hazard Area. Planning claims that the solar farm project site is currently not located in a Very High Fire Hazard Severity Zone. This statement is factually incorrect. As indicated in Figure 3, the project site (identified as 49560 230th Street West) is located squarely in a Very High Fire Hazard Severity Zone. It is unfathomable why Regional Planning would claim otherwise.

Figure 3. Very High Fire Hazard Area Vicinity Map at the Project Site.

Source: https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones for 49560 230th S. West.

Page 5: The MND Fails to Address BESS Fire and Toxic Emission Risks. Planning correctly summarizes SORT's concern that the MND ignores deflagration and hazard emission concerns and associated public safety risks posed by the lithium ion BESS. Planning's discussion appears to confirm that these concerns were ignored because Planning explains that the MND only considered air quality issues related to dust and equipment exhaust in accordance with Antelope Valley Air Quality Management District (AVAQMD) requirements. Planning further contends that the project's hazardous emissions will be negligible because "there are no combustion processes". Notably, Planning *does not* dispute that the MND ignores BESS wildfire, deflagration, and hazardous emission risks and Planning *does not* claim that the BESS poses no deflagration and hazardous emission risk. Instead, Planning just states that the BESS will be enclosed, it will incorporate "safety measures", and will be "subject to oversight

by Fire to prevent the release of hazardous substances". However, and as explained in detail in the SORT letter dated January 22, 2026: 1) firefighting personnel ***cannot*** "prevent the release of hazardous substances" when a BESS ignites (which is why Local 1014 concludes that lithium BESS should not be near residential areas); and 2) BESS "safety measures" do not prevent BESS ignition; they merely indicate when BESS ignition occurs. The MND is facially deficient because it ignores the very real, very adverse, and very significant environmental impacts of the BESS deflagration events that will occur if the BESS is approved with the solar farm.

Page 6: Lithium Iron Phosphate batteries are Prone to Deflagration and Toxic Release.
Planning trivializes concerns regarding BESS public safety risks by opining that Lithium Iron Phosphate (LFP) batteries are "more stable and less prone to combustion than older technologies such as Nickel Manganese Cobalt" (NMC). Planning does not cite any evidence to supports this statement so it must be regarded as speculative and unsubstantiated opinion. Moreover, studies conducted by the Underwriters Laboratory Fire Safety Research Institute ("FSRI") demonstrate that LFP BESS are actually more dangerous than NMC BESS because LFP BESS fires generate far more hydrogen gas and combustible hydrocarbons[60]; this makes their deflagration events ***more intense*** and ***more explosive.*** The reason energy developers tout the LFP chemistry over NMC and other lithium ion chemistries is because the thermal runaway initiation temperature of an LFP BESS is slightly higher in comparison to an NMC BESS; however (and as explained in Attachment 5 of SORT's appeal), FSRI data indicate that the actual temperature difference is less than 80°C. More importantly, when LFP BESS become overcharged, the temperature at which thermal runaway is initiated *is actually lower than the temperature at which thermal runaway is initiated in NMC BESS*[61]. This means that LFP BESS are ***more susceptible*** to thermal runaway than NMC BESS in overcharge conditions! Furthermore, experiments with fully charged (but not overcharged) LFP batteries show that *the protective barrier between the anode and cathode which is supposed to prevent thermal runaway actually begins to degrade at only 80 °C*[62]; this exposes the anode and initiates thermal runaway. Notably, Planning

[60] LFP release 50% hydrogen/20% hydrocarbons; NMC release 30% hydrogen/16% hydrocarbons. *Science of Fire and Explosion Hazards from Lithium Ion Batteries*. Adam Barowy presentation UL FSRI Symp. March 2023. https://fsri.org/research-update/lithium-ion-battery-symposium-resource-library.
[61] Thermal Runaway can initiate at only 116 °C in overcharged LFP batteries. *Study on Temperature Change of LiFePO4/C Battery Thermal Runaway under Overcharge Condition*. Fei Gao et al 2021. Int'l Conf. on Air Pollution and Environmental Engineering. https://iopscience.iop.org/article/10.1088/1755-1315/631/1/012114/pdf.
[62] Lithium BESS are equipped with a solid electrolyte interphase film ("SEI film") which begins to degrade at 80°C in charged (not overcharged) LFP batteries. *Revealing the Thermal Runaway Behavior*

does not assert that Lithium Iron Phosphate batteries are safe or that they do not deflagrate or generate hazardous emissions. This is because Planning *cannot make such a claim* since LFP BESS *are* susceptible to thermal runaway[63]. Planning does not assert that LFP BESS are safe, but the fact that Planning offers no such claim constitutes an implicit acknowledgement that LFP BESS do pose public safety risks. The fact that these risks are not addressed in the MND renders the MND fatally flawed.

Figure 4. Photograph of the Salt River BESS fire on October 21, 2025.

Source: https://www.azfamily.com/2025/10/02/multiple-agencies-fighting-fire-battery-storage-facility-glendale/

of Lithium Iron Phosphate Power Batteries at Different States of Charge and Operating Environment. Tianyi Li, Yinghou Jia. Journal of Electrochemical Science (September 2022) Article Number: 221030 http://www.electrochemsci.org/papers/vol17/221030.pdf.

[63] ***Just last month***, an LFP BESS ignited in Warwick New York because of "water intrusion". https://storagewiki.epri.com/index.php/BESS_Failure_Incident_Database. December 19 2025.

Page 6: No Evidence Supports Planning's Claim that Fire and Hazard Emission Impacts are Less than Significant. Planning claims that BESS hazards and wildfire impacts are "less than significant" because the BESS has a 10,000 gallon water tank approved by the Fire Department and because the BESS will "ensure containment of any potential fire risk" with its concrete and gravel foundations to "limit overheating and spread of fire" and its fireproof insulation, automated suppression systems, and "module level monitoring". Every one of these claims is specious.

First, LACoFD required the 10,00 gallon water tank to serve the solar farm, not the BESS. As indicated in the highlighted section of Figure 5, Condition #10 states "A minimum of one water tank is required for the proposed solar array field". Clearly, the water tank *was not* required for BESS fire control purposes. In fact, it appears that the Fire Department gave no consideration to the fire risk posed by the BESS because the Fire Department did not even impose conditions on the BESS other than a perfunctory statement that the BESS "shall be in compliance with Chapter 12 and all other applicable sections within the County of Los Angeles Fire Code". Accordingly, and contrary to what Planning claims, the 10,000 gallon tank does not minimize or even address the hazards or fire risks posed by the BESS

Second, BESS systems are not designed to "ensure containment of any potential fire risk"; to the contrary, they are designed to expel flames and toxic materials out of the structure and into the environment. That is why BESS deflagrations threaten all surrounding residents. Third, "suppression systems" ***do not*** extinguish BESS fires because BESS are self-igniting; it is why they constantly re-ignite for days (or weeks) and why firefighters let BESS fires just burn themselves out. Fourth, fireproof insulation does not prevent or suppress thermal runaway; its purpose is to shield surrounding structures and vegetation from the intense head generated by a BESS fire. Fifth, BESS monitoring systems merely indicate that BESS ignition is already underway as a result of a thermal runaway event. Finally, concrete and gravel foundations do not "contain" fire risk. The fact that the BESS foundations are not flammable does not reduce the incidence or frequency of thermal runaway and Planning offers no evidence that they affect BESS fire risks.

The statements that Planning offers to support the contention that BESS wildfire and hazard impacts are "less than significant" are uncorroborated and thus do not constitute substantial evidence. Equally important, these claims are all repudiated by the facts presented above and as such, Planning's contention that BESS wildfire and hazard impacts are "Less than Significant" will not withstand judicial review.

Figure 5. Excerpt from Fire Department Conditions Imposed on the Project.

COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION

Land Development Unit
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4293, Fax (323) 890-9783

EPIC-LA NUMBER:	RPPL2023005137	PROJECT NUMBER:	Utility Scale Solar Facility @ 3278025001
CITY/COMMUNITY:	West Antelope Valley	STATUS:	Cleared
PROJECT ADDRESS:		DATE:	12/19/2023

CONDITIONS

1. A perimeter interior roadway is required around the entire solar array field.
2. The proposed solar array fields will require a minimum of one entry/ exit location.
3. In addition to the interior perimeter Fire Department access road, the design of the solar array field necessitates the need for additional interior on-site Fire Department access roads going in the directions north to south and east to west.
4. The fire apparatus on-site & off-site access roads shall be installed and maintained in a drivable condition for the duration of the solar project.
5. The fire apparatus on-site & off-site access roads shall be installed prior to occupancy or operation of the facility.
6. The minimum roadway width within the solar array field is 20 feet, clear-to-the sky, when there is no proposed or existing building on-site.
7. Provide a minimum centerline turning radius of 32 feet, with an inner radius of 22 feet and an outer radius of 42 feet, for each turn in the solar array field.
8. The fire apparatus on-site & off-site access roads for the solar array field shall have a soil compaction of 90%, OR the apparatus access road shall be excavated and re-compacted to 90% with no proposed buildings.
9. Gates Requirements: (1) The onsite ingress/ egress gate shall be located on the address side of the property; (2) The onsite ingress/ egress gate width shall be a minimum of 2 feet, clear-to-sky, with all gate hardware clear of the roadway width when a buildings is proposed; (2) The onsite ingress/ egress gate width shall be a minimum of 20 feet, clear-to-sky, with all gate hardware clear of the roadway width when a building(s) is not proposed; (3) The location of the gate shall be located a minimum of 50 feet from the public right-of-way; (4) The facility emergency contact information shall be provided with each limited access device, per County of Los Angeles Fire Department Regulation 5, and shall be clearly indicated with an appropriate placard at each ingress location. The minimum size of the placard shall be 12 inches X 12 inches; (5) All locking devices shall comply with the County of Los Angeles Fire Department Regulation 5, Compliance for Installation of Emergency Access Devices; (6) No interior gates permitted on the on-site access roads.
10. A minimum of one water tank is required for the proposed solar array field. The water tank is to be located near the address side entry/ exit gates and is to be indicated on the site plan.
11. This development requires the installation of one water tank with a minimum tank size of 10,000 gallons for Fire Department use only.
12. The water tanks shall be clearly identified for "Fire Department Use Only".
13. The water tanks shall be in compliance with Fire Department standards.
14. The water tank shall have a low-level water local alarm which shall be in compliance with all applicable codes and regulations. The low-level water local alarm can be battery operated.
15. The water tank shall have a Fire Department supply outlet of 2 ½ inches in diameter with National Standard threads. The supply outlet is to be located 14-24 inches above the finished grade and is required to be protected by approved barricades.

Page 6: Water Resource Acquisition and Purpose. SORT appreciates Planning's confirmation that water resources for the project will be acquired from a local purveyor and not AVEK. SORT also appreciates Planning's confirmation that, following construction, water deliveries are only needed for solar facility operations (not BESS fire protection). This is consistent with what Planning staff told the Commission regarding water use for project operations (specifically, that water will only be used for washing the solar panels and landscaping thus requires less than 0.2 acre feet per year). All of this supports SORT's contentions that the County has failed to address BESS fire risks and that the project is not conditioned to ensure sufficient water resources are onsite to combat a lengthy BESS fire (which will last for days or even weeks and require more than one hundred thousand gallons of water to control fire spread). SORT observes that the project has reached this advanced stage of approval without addressing BESS fire water resource concerns because the IS/MND never considered BESS deflagration impacts; as such, it remains fatally flawed and will not withstand judicial review.

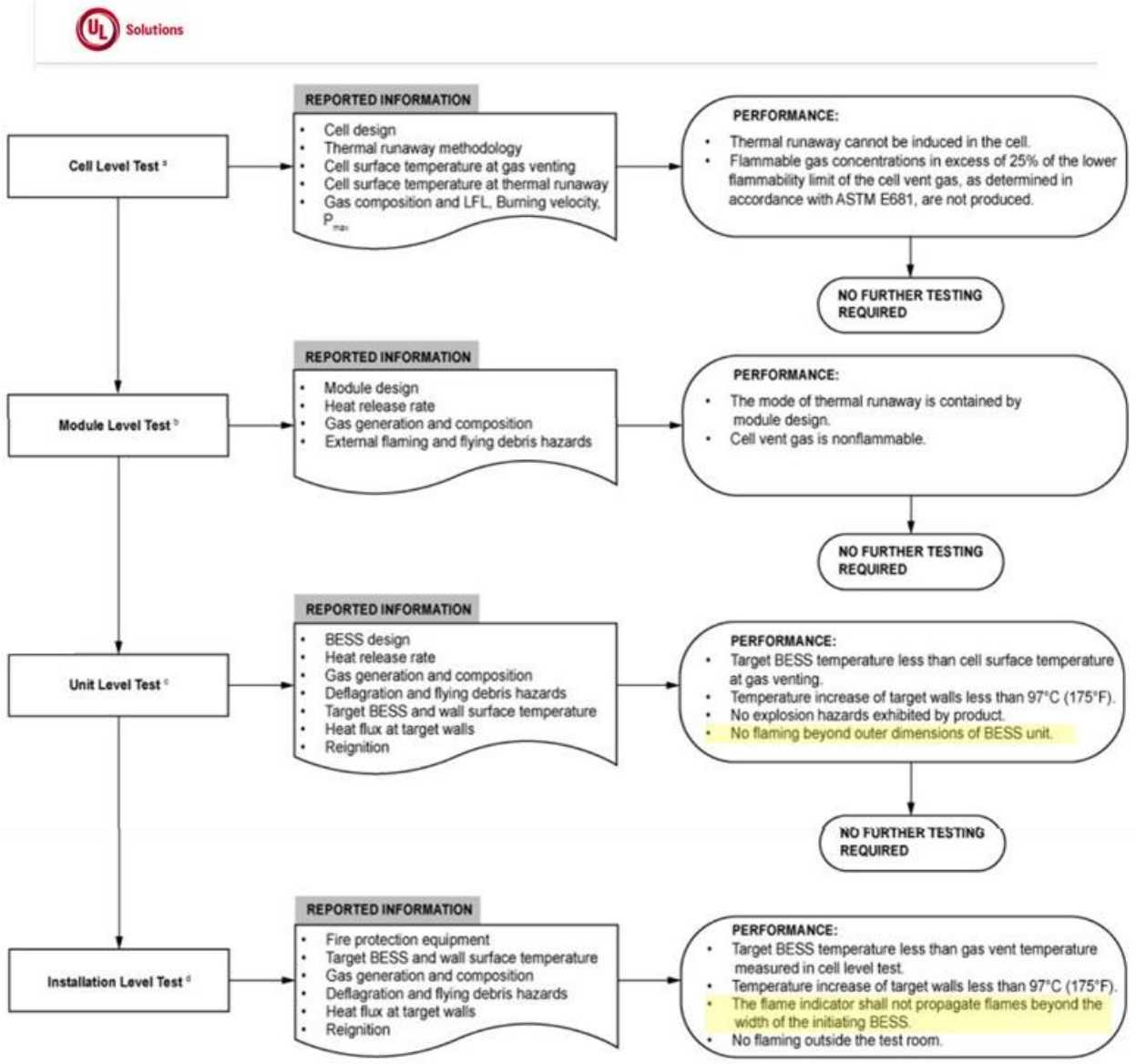
Pages 6-7: The 10,000 Gallon Water Tank Does not Address BESS Fire Suppression. Planning begins its comments regarding the sufficiency of the 10,000 gallon water tank with a declaration that the project is not in a Very High Fire Hazard Severity Zone; no citations or evidence is provided. However, the Board adopted a motion on July 22, 2025 that amended the County Code to "incorporate the California Fire Hazard Severity Zones map within County Code Title 32"[64]; accordingly, if the project site ***is*** in a Very High Fire Hazard Severity Zone according to the California Fire Hazard Severity Zones map, then the Board has explicitly found that the site ***is*** in a Very High Fire Hazard Severity Zone. As Figure 3, indicates, Cal Fire Maps clearly place the center of the project site in a Very High Fire Hazard Severity Zone within a "Local Responsibility Area"; accordingly, the project is in a Very High Fire Hazard Severity Zone and Planning's claims to the contrary remain uncorroborated and unsubstantiated.

Next, Planning asserts that the Fire Department has reviewed all project features, and determined that "the combination of on-site tank capacity, design standards, and emergency access meets all applicable requirements for both fire suppression of the accessory BESS as well as overall site fire protection". This statement is categorically false. As Figure 5 proves, LACoFD approval states unequivocally that only one water tank is required, that it is for the solar array, and that it must have 10,000 gallons. Planning is wrong to claim the water tank is for BESS fire suppression.

[64] Fire Department Letter July 22, 2025. https://file.lacounty.gov/SDSInter/bos/supdocs/204888.pdf .

Finally, Planning suggests that the Fire Department is satisfied by the BESS because it will be designed and installed “in accordance with UL 9540 and UL 9540A fire safety standards”; however, compliance with UL 9540A does not ensure BESS safety or guarantee that the BESS will not experience thermal runaway or ignite. To the contrary, a containerized BESS is deemed to meet UL 9540A standards if the flames and explosions that occur when it deflagrated do not propagate "beyond the width of the initiating BESS" (see Figure 6). Importantly, the assurance offered by a UL 9540A certification that flames will not extend beyond a single BESS unit in each deflagration

Figure 6. UL-9540A Test Method Acceptance Chart.



This figure is reproduced from an article titled: "UL 9540A Battery Energy Storage System (ESS) Test Method" and written by Howard D. Hopper, FPE - Global Regulatory Services Manager. A copy of the article is provided in Attachment4.

event is only valid for ambient windspeeds that are less than 12 mile per hour; when windspeeds exceed 12 mph, a BESS fire will spread to adjacent containers. This *fact* was proven in 2021 when an ignited BESS container in Victoria, Australia spread to an adjacent container because prevailing windspeeds exceeded 12 miles per hour (as indicated on page 5 of the "Report of Technical Findings" issued by the Victoria Fire Department and provided in Attachment 5). In other words, the premise of UL 9540A is that BESS containers *can* and *will* deflagrate and that such an outcome is acceptable as long as the flames are unlikely to engulf other BESS containers. Accordingly, and despite what Planning appears to believe, compliance with UL 9540A ***does not*** render a BESS safe or risk free; to the contrary, it merely indicates that the BESS is prone to deflagration and explosion and that, even at moderate windspeeds, the deflagration can spread.

Pages 7: A Franchise Agreement is not Required for the Project. As indicated previously, SORT appreciates Planning's clarification that no Franchise Agreement is required because SCE will construct the generation tie line under its existing Franchise Agreement with the County.

Summary: The factors which comprise the foundation of Regional Planning's recommendation that SORT's appeal be denied are, at best, unsubstantiated conjecture and, in some cases, materially incorrect:

- The Fire Department did not impose any water resource requirements on the BESS; the purpose of the 10,000 gallon water tank required by the LACoFD is to protect the solar fields.
- The project is in a Very High Fire Hazard Severity Zone and is designated as a "Local Responsibility Area".
- The project does not qualify as a "short term" construction project and is thus ineligible for the 75 dBA noise standard under the County Code.
- Even if project construction did qualify for the 75 dBA standard (which it does not), the Applicant's own Noise analysis proves that construction activities will violate this standard because adjacent properties will experience noise levels exceeding 75dBA.
- The Applicant's noise analysis is not consistent with FTA and CalTrans noise assessment methodologies because it improperly assumes all noise sources are in the center of the project site and because it does not include a special and detailed analysis of the project's pile driver noise impacts.
- LFP batteries are not safe, and adopted standards do not render them safe.

- The MND is fatally flawed because it does not consider (or even mention) the significant fire, public safety, and hazardous emission risks posed by the BESS.

Given these facts, SORT urges the Board to reject Regional Planning's recommendation and uphold the appeal.

ERRORS & DEFICIENCIES NOTED IN THE APPLICANT'S ANALYSIS.

On September 25, 2025, the Applicant submitted a 23 page response (Applicant response) to SORT's appeal; this response was incorporated into the Regional Planning Board Letter. In addition to the same flawed and erroneous claims that have already been addressed above, the Applicants' response presents additional claims that warrant a reply. SORT's reply is provided below and is arranged sequentially in the order presented by the Applicant's response.

Page 1 pertaining to accessory use. The Applicant claims that the BESS is permissible because Section 22.12.010 defines accessory use as "a use customarily incidental to, related, and clearly subordinate to a principal use established on the same lot…". SORT presumes the Applicant meant Section 22.14.010 (because there is no Section 22.12.010 in the County Code). If correct, then the Applicant apparently does not understand that *the Commission approved the BESS as an accessory structure pursuant to Section 22.16.030.C.2 and Table 22.16.030-C; the BESS was* ***not*** *approved as an accessory use because the Code does not list BESS as a permitted accessory use*. Accordingly, the Applicant's entire argument is inapposite and the Code definition of "Accessory Use" is irrelevant. Moreover, the Applicant's argument does not recognize the difference between an "accessory structure"[65] (which the County approved) and an "accessory use" (which the County did not approve), and it does not grasp that, under Section 22.110.020.B, any use established in an accessory structure must be specifically authorized by Title 22. Because utility scale energy storage devices are not listed as a permitted accessory use in any agricultural zone, and because such devices are actually prohibited as a principal use in any agricultural zone, the BESS is not permitted as an accessory use regardless of whether it meets the Code definition of accessory use.

The Applicant also states that the zoning code cannot "practically describe every potential component part of a permitted or conditionally permitted use", and instead provides "general descriptions of types of uses" without accounting for "all the accessory

[65] An accessory structure is defined in Section 12.14.010 as "A detached building or structure that is subordinate and incidental in use to the principal building or use on the same lot, and located in the same or a less restrictive zone

components which make them up". To support this claim, the Applicant points to swimming pools and pergolas as examples of uses that are not listed in the code but are "uses commonly associated with a home". The Applicant is wrong on all counts because Sections 22.110.090.D and 22.110.090.H of the Zoning Code expressly authorize coverings for patios, porches, landings, decks, and balconies; therefore, pergolas, gazebos, and other such accessory structures are clearly identified in the code. Second, the Zoning Code expressly identifies a swimming pool as a permitted accessory structure:

> **22.110.040 - Accessory Structures and Equipment.**
> The following structures are permitted in required yards:
> A. Planter Boxes and Masonry Planters. The maximum height of planter boxes and masonry planters in required front yards shall not exceed a height of three and one-half feet.
> B. Swimming Pools. A swimming pool is permitted in a required rear yard, provided that it is at least five feet from any lot line.
> :
> :
> (Ord. 2024-0028 § 9, 2024; Ord. 2019-0004 § 1, 2019.)

The Applicant's purpose in advancing these failed claims is apparently to argue that the BESS should be approved as an accessory use even though the code does not list BESS as a permitted accessory use because BESS are minor uses that are of such negligible importance that the County did not even bother to list them. The flaw in this argument is that the County *does* recognize that a BESS is a major industrial use which creates significant environmental impacts; that is why they are expressly prohibited as primary uses in all agricultural zones and they are not listed by the Code as a permitted accessory use. The Applicant's arguments are not persuasive and should be accorded no weight.

Pages 2-4 pertaining to a potential gen-tie line. SORT appreciates the clarification that the project will connect to the local 12 kV distribution system and that SCE will construct all offsite gen-tie facilities. Accordingly, we concur that no franchise is needed. However, the Applicant appears to argue that their project is not a "utility scale" solar development because it is not owned by a utility and the power it produces is not sold on the wholesale market. The Applicant is mistaken. Under the County Code, the project is very much a "utility scale" solar project because the power it generates is not used onsite and is instead sold to utility customers on the SCE's local distribution grid.

Page 5 pertaining to accessory structures and utility scale solar facilities. The Applicant argues that, because Section 22.16.030.C.2 authorizes the County to approve accessory structures, the broad authority it conveys also allows the County to approve the BESS as

an accessory use. This "straw man" argument is specious because the salient issue is not whether Section 22.16.030.C.2 authorizes accessory structures; rather, it is that Section 22.110.020.B restricts all uses that are established in accessory structures authorized pursuant to Section 22.16.030.C.2 to just those uses specifically authorized by Title 22. Because utility-scale BESS are not permitted as either a principal or accessory use in any agricultural zone, utility-scale BESS cannot be established in any accessory structure that is approved for the solar farm project.

Next, the Applicant argues that County Code Sections 22.16.030.C1 and 22.140.510 authorize "utility-scale solar energy facilities," in the A-2 zone with a CUP; this too is a specious "Straw man" argument. The issue is not whether "utility-scale solar energy" facilities are authorized by the Code with a CUP; rather, it is that a BESS is not permitted as an accessory use at such solar farm facilities because BESS is not a permissible accessory use under the Code.

Pages 6-8 pertaining to the Interpretation Memo No. 2021-03. The Applicant asserts that Interpretation Memo No. 2021-03 does not apply to the instant case regardless of the fact that Planning staff testified at the Commission hearing that, pursuant to current policies (which are enumerated in Interpretation Memo No. 2021-03), a BESS could be approved as a principal use in an agricultural zone with just a CUP. The Applicant then describes Interpretation Memo No. 2021-03 and the fact that it declares "BESS" to be subject to "electrical distribution substation" development standards. However, the Applicant fails to disclose that the County is barred from applying Interpretation Memo No. 2021-03 in a manner that violates the County Code and as such, can only authorize BESS in zones where unlisted uses can be authorized based on a "similarity" determination[66]. Nothing presented by the Applicant controverts this fact or otherwise repudiates SORT's position.

Pages 12-13 pertaining to the Applicant's Construction Noise Analysis. The Applicant states that the applicable standard for assessing construction noise impacts is the 75 dBA mobile equipment noise standard set forth in Section 12.08.440 of the code. However, the Applicant fails to disclose that Section 12.08.440 expressly limits the application of the 75 dBA mobile equipment noise standard to only those construction projects that last for less than 10 days. Because project construction will drag on for more than 7 months, the plain language of Section 12.08.440 clearly establishes that the

[66] This was all explained in our letter to the Board of Supervisors dated November 7, 2025 which included the applicable judicial decision.

project is not eligible for the 75 dBA construction noise standard. Instead of addressing this ***fact***, the Applicant points to Section 12.08.150 and offers the county code definition of a "stationary noise source"; however, nothing in SORT's comments have ever even addressed "stationary noise sources" and SORT has never cited to Section 12.08.150. All of it is insubstantial and irrelevant drivel that ignores the salient issues.

Next, the Applicant asserts that the 75 dBA mobile construction equipment noise standard is not defined as an "L_{max}". This statement is ***categorically false***. According to the FTA, L_{max} is defined as the "maximum sound level reached" during mobile equipment operation[67]; additionally, Code Section 12.08.440 establishes that the 75 dBA standard is the "Maximum noise levels for nonscheduled, intermittent, short-term operation (less than 10 days) of mobile equipment". Because the 75 dBA standard in Section 12.08.440 is described as a "maximum noise level", it is equivalent to FTA's definition of "L_{max}" as a "maximum sound level"[68]. The Applicant's assertion that the 75 dBA construction noise standard is not an "L_{max}" standard is either shockingly obtuse or substantially mendacious; either way, it is simply incorrect.

Next, the Applicant states that it is the County's "policy and practice" to apply the 75 dBA construction noise standard to all construction activities regardless of how long they last. The Applicant does not support this claim by citations to adopted Health Department policy documents or official practitioner directives *because no such policies or practices exist*. Equally important, these claims are explicitly contradicted by the Health Department's analysis of the Applicant's noise study which clearly states that the 75 dBA construction noise standard only applies to construction projects lasting less than 10 days (as explained above).

Next, the Applicant claims that its noise analysis complies with FTA methodologies. However, this claim is patently incorrect because there are numerous and substantial ways in which the Applicant's noise analysis is not consistent with FTA and CalTrans noise assessment methodologies (as described above).

Next, the Applicant claims that an 8 hour L_{eq} value which averages the noise levels occurring all over the site throughout an 8 hour period is the appropriate metric for assessing compliance. This statement is ***categorically false***. As explained above, the noise standards imposed by the Los Angeles County Noise Control Ordinance are based

[67] 2018 FTA Transit Noise and Vibration Impact Assessment Manual. Page 207.
[68] Code Section 12.08.420.A pertaining to measurement methods draws a clear equivalency between "sound" and "noise" because it requires "noise levels" to be measured with a "sound-level meter".

on the absolute "noise level" L_N metric, not the average L_{eq} metric; accordingly, L_{eq} is not an appropriate metric for assessing compliance with any County Noise Standards.

Next, the Applicant claims that the "standard methodology" is to model noise levels at receptor distances from the center of the site and that the MND appropriately states this. However, and as explained above, the "standard methodology" adopted by the FTA is to model noise where it occurs, ***not*** at the center of the site. Equally important, the "standard methodology" adopted by CalTrans requires detailed analyses and careful treatment of construction projects that involve extensive pile driver operations. Because the MND is based on a noise assessment that 1) assumes all noise sources emanate from the center of the site; and 2) fails to analyze pile driver noise impacts in detail, the MND **is not** consistent with "standard methodologies" adopted by FTA and CalTrans (and in fact it controverts such "standard methodologies"). Accordingly, MND conclusions pertaining to noise impacts are not supported by substantial evidence because they are based on flawed and non-standard noise assessment methodologies.

Next, the Applicant states that the construction noise assessment is based on CalTrans "noise reference levels" and "usage factors" which were appropriately applied. This is another strawman argument because SORT does not dispute the efficacy or reasonableness of any of the construction "noise reference levels" or "usage factors" used by the Applicant. What SORT *does* dispute is the location from which these noise levels were assumed to emanate (since neither FTA nor CalTrans recommend the center of the site for modeling noise impacts over a large stationary area) and the averaging L_{eq} methodology that was applied (which is contrary to adopted County noise standards).

Next, the Applicant asserts that SORT neglects to consider a conclusion in a Health Department letter dated May 15, 2024 that "the subject site construction and operation activities would not have significant noise impact". However, this Health Department letter was issued almost a year ***before*** the Applicant submitted the "Noise Technical Memorandum" dated April 10, 2025. Accordingly, there is no record evidence which supports the conclusion drawn on May 15, 2024 that the project would have no significant noise impacts. More importantly, the Health Department Letter states unequivocally that "Operational noise from the subject site needs to be determined and mitigation measures applied" (page 5) and "Construction noise needs to be determined and addressed" (page 6). These statements controvert the separate Health Department conclusion that the project will have no significant noise impact. The lack of record evidence and inconsistencies in the Health Department Letter render it insubstantial evidence for the purposes of CEQA.

Next, the Applicant states that Charlene Contreras (Director of the Community Protection Branch of the Department of Public Health), issued a letter on August 30, 2024 "noting that the Department agrees with the Lead Agency". However, there is no letter in the public record that is dated August 30, 2024 from Director Contreras (or any other Health Department staff member). Accordingly, this claim is not supported by any evidence.

Finally, the Applicant asserts that the project "must comply with the County's noise ordinance during construction and operation" and as such "no further response is warranted". However, the Applicant's own noise modeling results demonstrate that project construction will not comply with the County's noise ordinance: the noise level 718 feet from any pile driver operation exceeds 78 dBA which violates **all** County "Noise Level" L_N standards[69] imposed by 12.08.390 **as well as** the 75 dBA construction noise standard (which does not even apply because construction will exceed 10 days).

Pages 14-13 pertaining to the Applicant's Operation Noise Analysis. The Applicant appears to acknowledge SORT's contention that the operational noise analysis included in the "Noise Technical Memorandum" is not representative of the *actual* BESS and transformer noise levels that will be generated by project operations because the Applicant's consultant did not obtain noise information from the BESS and transformer manufacturers and instead used "component" noise data from an unrelated noise study[70]. The Applicant is clearly aware of the BESS and transformer equipment that will be installed and could have easily obtained manufacturer source noise data to derive accurate and representative project noise levels. This fact alone renders the operational noise analysis deficient and it certainly does not constitute substantial evidence that the actual project noise impacts are "less than significant".

The Applicant also attempts to sidestep concerns regarding the significant noise impacts that will result from BESS and transformer equipment operations. For example, the Applicant complains that SORT does not substantiate the 75-80 dBA noise level that

[69] According to page 35 of the 38 page Noise Technical Memorandum, pile driver operations have a 20% usage factor and generate a 78.2 maximum noise level. This means that for 20% of the time (or 12 minutes of every hour), any receptor within 718 feet of a pile driver will experience a 78.2 dBA noise insult. This substantially exceeds the L8.3 standard of 60 dBA (which limits all noise levels to less than 60 dBA for 8.3% of the time) and the L 1.7 standard of 65.9 dBA (which limits all noise levels to less than 60 dBA for 8.3% of the time). SORT believes that the L25 and L50 standards will also be exceeded given that other construction equipment will be operated simultaneously with the pile drivers. However, the County is able to sidestep this inconvenient truth because the Applicant's noise assessment does not assess compliance using the L_N noise metric required by the County Code.

[70] The Applicant's "Noise Technical memorandum". Page 19.

SORT ascribes to a 66 kV transformer, but these data are no longer at issue because the Applicant has confirmed that interconnection will be at a 12 kV distribution voltage so there will not be a 66 kV transformer. Next, the Applicant obfuscates the very real and very significant operational noise impacts of the BESS and power control systems (PCS) operations by first dismissing SORT's data as merely "sound power levels" and then launching into a discussion about acoustic energy and pressure levels which is intended only to confuse decisionmakers. To clarify these muddy waters, SORT explains that *any equipment which has a "sound power level" at or above 95 dBA will result in significant noise impacts to receptors located hundreds of feet away*. For instance, pile drivers (such as those regarding which CalTrans expresses great concern) can have "sound power levels" exceeding 130 dBA[71]. Thus, the 99 dBA PCS equipment "sound power level" cited by SORT indicates that the BESS PCS will be source of significant noise *but the Applicant's noise analysis does not even address it*.

Instead, the Applicant's noise consultant only assessed "small scale inverter" noise levels[72] (whatever that means). The Applicant does not deny this, and it constitutes a substantial deficiency. Moreover, the Applicant vaguely claims that the operational noise analysis is based on date obtained from a Draft EIR that was prepared years ago for a solar farm in San Bernardino[73], but the link provided by the consultant does not work[74] so the efficacy of the data and the assumptions cannot be assessed. It also appears that the Applicant's noise consultant has recycled this data more than once[75] instead of using actual noise source data relevant to the actual project.

Finally, the Applicant again reiterates that the Health Department determined that project operations would not result in a significant noise impact; however, this argument is specious for the reasons cited above.

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[71] The noise study for the "Song Sparrow" solar farm development in Ballard County Kentucky reports that, according to the pile driver manufacturer, the equipment has a Sound Power Level of 132 dBA. https://psc.ky.gov/pscecf/2023-00256/djeavons%40bbcresearch.com/12152023120708/BBC_Site_Assessment_Review_of_Song_Sparrow_Solar_Case_2023-00256_OCR.pdf . Section C page 39.

[72] Page 19 of the Applicant's "Noise Technical Memorandum".

[73] Ibid.

[74] The following link provided by the Applicant for the Desert Breeze project DEIR does not work: https://www.sbcounty.gov/uploads/LUS/Environmental/DESERT_BREEZE_SOLAR/_Desert%20Breeze%20Solar%20Project%20Draft%20EIR.pdf .

[75] For instance, the Applicant's noise consultant re-used the same data for the Lear Avenue Solar Project in San Bernardino [https://lus.sbcounty.gov/wp-content/uploads/sites/48/Apx-M-Noise-Technical-Memorandum.pdf at page 22.

Page 15 pertaining to the failure of the noise analysis to address "direct" noise affects. The Applicant identifies SORT's concern that the noise analysis does not address "direct" noise effects as required by CEQA because it averages noise levels instead of presenting peak noise impacts at the time and location when they occur. After acknowledging this concern, the Applicant directs the reader to consult previous paragraphs to consider how this concern was addressed. However, the previous paragraphs do not discuss (or even mention) this concern, so it remains unaddressed and constitutes a substantial CEQA deficiency.

Pages 16-18 pertaining to Wildfire Impacts. The Applicant reiterates SORT's concern that the MND does not address the public safety and wildfire risks posed by the BESS. In response, the Applicant merely observes that the MND was circulated for public review in May, 2025, that in July, the County updated its hazard area maps, that the project is in a Very High Fire Hazard Severity Zone, and that this does not change any of the conclusions in the MND. This response is remarkable in that it singularly ignores all the substantive evidence that SORT provides regarding the public safety, wildfire, and hazard emission risks created by the BESS!

Next, the Applicant points to BESS systems and standards and alleges that they have improved in recent years; the Applicant also points out that BESS include ventilation, fire detection, and fire suppression mechanisms. However, and as explained above, these do not forestall BESS deflagration or prevent its associated public safety risks; to the contrary, they are merely mechanical systems that attempt to control BESS deflagration after it is already initiated. And, if successfully implemented, they ensure that the flames and toxic gases are released to atmosphere *where they endanger the surrounding areas*. In fact, *the very existence of these deflagration response systems constitutes undeniable evidence that BESS are intrinsically dangerous and* ***are not*** *safe*. This is ironic, because the Applicant's purpose in discussing these systems and standards is to convince the County that BESS are safe. For example, the UL 9540A standard touted by the developer merely provides that, if prevailing winds are less than 12 miles per hour, then deflagration is likely to engulf only one BESS container in fire. If however the winds exceed 12 mph, fire spread is likely (as explained above). The Applicant also claims that BESS fire safety concerns have been incorporated into the comments offered by LACoFD; however, LACoFD's comments on the project focus on the solar field, not the BESS. For example, the 10,000 gallon water tank required by LACoFD is sized to address the solar field, not the BESS.

Next, the Applicant tries to draw a distinction between the LFP lithium ion BESS proposed for the project and other lithium ion BESS systems. The Applicant claims without citation that LFP lithium ion BESS are "more stable under high temperature, less prone to combustion, and do not provide a source of oxygen"; these uncorroborated claims are controverted by the information provided above (which is fully cited). The Applicant then states that the BESS will not use the same lithium chemistry as that which was used in the Moss Landing Vistra BESS that caught fire in early 2025. Notably, LFP BESS fires are now beginning to appear in the EPRI BESS fire incident list[76] (which, for reasons that are not clear, often uses the vague descriptor "lithium ion", instead of articulating whether the BESS is an NMC or LFP). The point is, LFP BESS fires can and do occur. The Applicant then asserts that the proposed BESS is containerized and that the containers will have some separation between them to make emergency access "easier" and limit "fire propagation". However, this separation distance to limit "fire propagation" is a characteristic assessed in UL9540A testing, and thus it is only effective if windspeeds are less than 12 mph. The Applicant then claims (without citation) that the gravel underneath the concrete pads under the BESS will "dissipate heat" (which is not believable because there is a thick concrete pad between the gravel and the BESS) and that the concrete is "fire resistant"; these claims are all silly, and they certainly do not constitute substantial evidence that the BESS is safe. More importantly, none of these claims controvert the substantial evidence provided by SORT which supports a fair argument that the BESS poses a potentially significant public safety, fire, and hazardous emission risk.

Next, the Applicant devotes a paragraph to discussing the local, state, national, and international standards that apply to the BESS; a second paragraph is devoted to the BESS mechanical systems required by UL 9540A which, the Applicant assures, will limit BESS deflagration events "to a single battery module". However, this assurance is entirely invalid when windspeeds exceed 12 mph (as explained above). Equally important, these standards and mechanical systems clearly demonstrate that the BESS is intrinsically dangerous because its lithium battery chemistry renders it prone to spontaneous deflagration due to thermal runaway. As explained in detail in Attachment 6, thermal runaway can be initiated for any number of reasons, including manufacturer defects, poor battery management, inadvertent overcharging or undercooling, installation errors, mechanical system failures, etc. The Applicant does not and cannot claim that BESS are safe because they are not safe.

[76] https://storagewiki.epri.com/index.php/BESS_Failure_Incident_Database

Page 18 pertaining to BESS Hazard Emissions. In response to SORT's concern that the BESS poses a high risk of explosion, fire, and toxic release, the Applicant remarks "BESS facilities do not present a higher risk of explosion, ignition, fire, and toxic gas release than other land uses that would generate significant air quality or hazardous emissions impacts (e.g., warehouse or industrial land uses)". SORT appreciates the Applicant's candor in equating BESS with fire and explosion prone industrial uses that generate hazardous emissions. It is this very characteristic that renders the project inconsistent with the Antelope Valley Area Plan (AV Area Plan) which, among other things, establishes that the intent of the underlying Rural Land Use designation is to establish "single family residences, equestrian and limited animal uses, and limited agricultural and related activities" [page LU-9]. SORT notes that the solar farm is not a residence, it does not involve animal uses, and it does not incorporate agricultural activities.

Furthermore, the AV Area Plan only allows utility scale renewable energy production facilities without a land use amendment ***if*** they are "consistent with the relevant Goals and Policies of the Area Plan" [page LU-13] and specifically, Goal COS-13 which states "Utility-scale energy production facilities for offsite use that reduce consumption of nonrenewable resources ***while minimizing potential impacts*** on natural resources and ***existing communities***" (emphasis added). Because the BESS ***is not*** a "renewable energy production facility" and because it creates substantial wildfire, public safety, and hazardous emission impacts on an existing community, it utterly controverts Goal COS-13. Accordingly, it cannot be approved as part of a utility scale solar farm without a land use amendment under the plain and unambiguous language set forth on page LU-13 of the AV Plan. The inclusion of a BESS is also inconsistent with the following AV Area Plan Policies:

> Policy ED 1.11: "Encourage the development of utility-scale renewable energy projects at appropriate locations and with appropriate standards to ***ensure that any negative impacts to local residents are sufficiently mitigated***"[77] (emphasis added);
>
> Policy COS 13.1: "Direct utility-scale renewable energy production facilities, such as solar facilities, to locations where ***environmental, noise,*** and visual impacts will be minimized"[78] (emphasis added); and

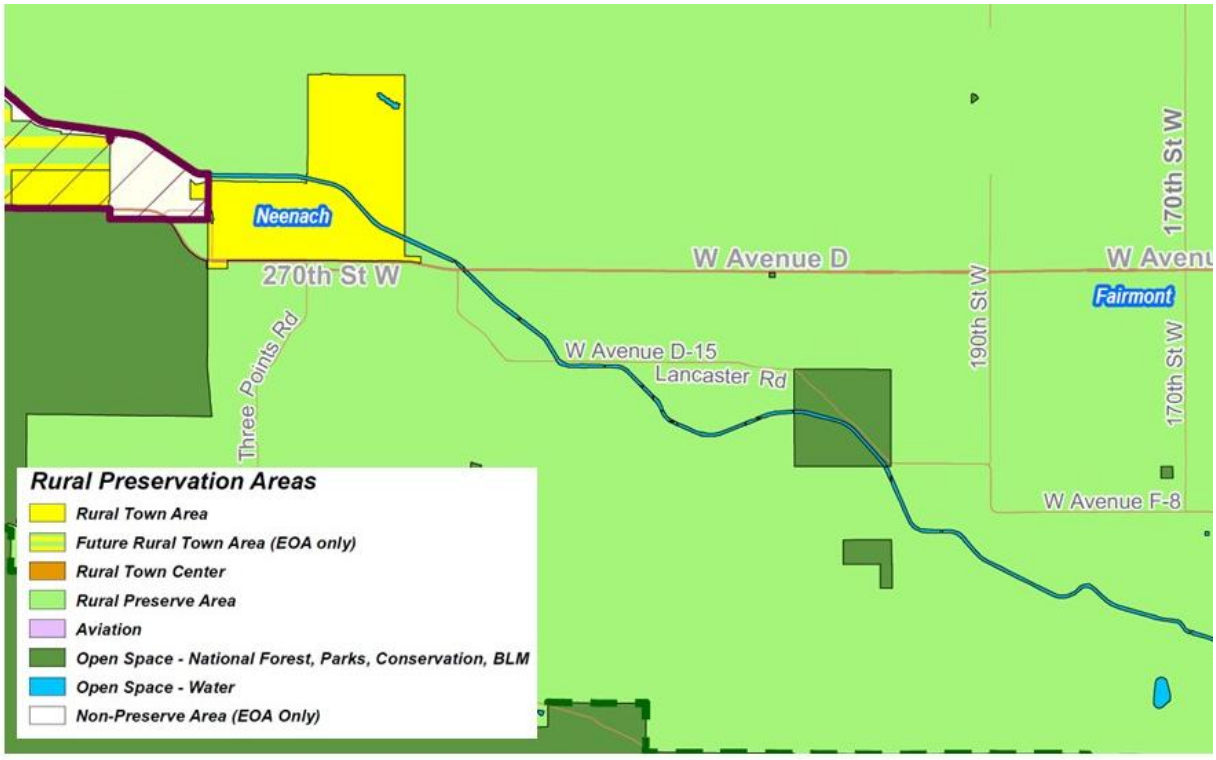
[77] The BESS is a dangerous source of toxic emissions and its inclusion does not "ensure" that negative impacts to local residents are "sufficiently mitigated"; in fact, no mitigation measures are even possible to reduce the hazards posed by the BESS which is admittedly akin to a dangerous industrial facility.
[78] The BESS is a dangerous source of toxic emissions and its inclusion in the project actually *exacerbates* environmental impacts and does not minimize them.

> Policy COS 13.6: Ensure that all utility-scale renewable energy production facilities, such as solar facilities, ***do not*** *create land use conflicts with adjacent agricultural lands or existing residential areas in the vicinity*"[79] (emphasis added).

Moreover, because the BESS site is within a mapped "Rural Preserve Area" (See Figure 7), it is inconsistent with additional AV Area Plan Land Use Policies, including:

> Policy LU 1.2: "Limit the amount of potential development in rural preserve areas, through ***appropriate land use designations with very low residential densities***, as indicated in the Land Use Policy Map (Map 2.1)"[80]; and
>
> Policy LU 1.3: "Maintain the majority of the unincorporated Antelope Valley as Rural Land***, allowing for agriculture, equestrian and animal-keeping uses, and single-family homes on large lots***"[81].

Figure 7. Excerpt from the AV Area Plan Rural Preservation Strategy Map (Map 2.2)



Source: Map 2.2 from the AV Area Plan [https://planning.lacounty.gov/wp-content/uploads/2023/08/avap_maps.zip].

[79] The BESS creates substantial conflicts with adjacent agricultural uses (by endangering adjacent equestrian uses) and adjacent residential uses (by endangering residents).
[80] The BESS is in a rural preserve area, but it is development that is not residential; to the contrary, it is admittedly industrial and it poses a dangerous risk to the surrounding residences.
[81] The BESS is on Rural Land, but it is neither an agricultural, animal-keeping, single-family home use.

Equally important, the AV Area Plan Goals and Policies that are controverted by the BESS were expressly adopted for the purpose of mitigating environmental impacts[82]; accordingly, each of these inconsistencies constitutes a significant environmental impact that must be addressed in an Environmental Impact Report. This is because the Courts have long held that an inconsistency between a proposed project and an adopted General Plan Policy, Goal, or Development Objective will implicate the California Environmental Quality Act (CEQA) when the Policy, Goal, or Objective was adopted for the purpose of mitigating environmental impacts. [*Joshua Tree Downtown Business Alliance v. County of San Bernardino* 1 Cal.App.5th 677, *Pocket Protectors v. City Of Sacramento* (2004) 124 Cal.App.4th 903]. Therefore, a potentially significant environmental impact is deemed to exist in each instance where the BESS is inconsistent with a General Plan Policy, Goal, or Development Objective that was adopted for the purpose of mitigating environmental impacts.

In addition to controverting the adopted AV Area Plan, the BESS is also contrary to the County's adopted Renewable Energy Ordinance. Specifically, the Board adopted the Renewable Energy Ordinance for the purpose of establishing "standards, conditions, and procedures that support and facilitate the development of small-scale solar energy systems, utility-scale solar energy facilities, temporary meteorological towers, and small-scale wind energy systems ***in a manner that protects public health, safety, and welfare and minimizes significant impacts to the environment***" (emphasis added) [County Code Section 22.140.510.A]. The incorporation of a BESS into a utility-scale solar facility controverts this fundamental purpose because it entails a dangerous, deflagration prone use (that is admittedly similar to a fire prone and hazardous industrial use) in a manner that does not protect "public health, safety, and welfare" and instead directly threatens "public health, safety, and welfare".

Furthermore, inclusion of the BESS contradicts various findings adopted by the EIR that was certified for the Renewable Energy Ordinance. For instance, the EIR found that the Renewable Energy Ordinance did not "create a significant hazard to the public or the environment through reasonably foreseeable upset and accidental conditions

[82] Page 5.10-5 of the Draft EIR states "The following is a list of the goals and policies of the Proposed Project that would reduce potentially adverse effects concerning land use and planning" and pages 5.10-5 & 18 list Policies LU 1.1, LU 1.2, and ED 1.11. Page 5.17-44 states "The following is a list of the goals and policies of the Proposed Project that would reduce potentially adverse effects on other utilities" and page 5.17-45 lists Goal COS 13 and Policy COS 13.1 and COS 13.6 on. Page 5.1-13 states "The following are goals and policies contained in the Proposed Area Plan that would reduce adverse effects related to aesthetics" and page 5.1-16 lists Goal COS 13 and Policy COS 13.1. The Draft EIR is a component of the Final EIR (which can be found here: https://planning.lacounty.gov/wp-content/uploads/2022/10/Final-EIR.zip). The Draft EIR is found here: https://planning.lacounty.gov/wp-content/uploads/2025/01/DEIR.zip.

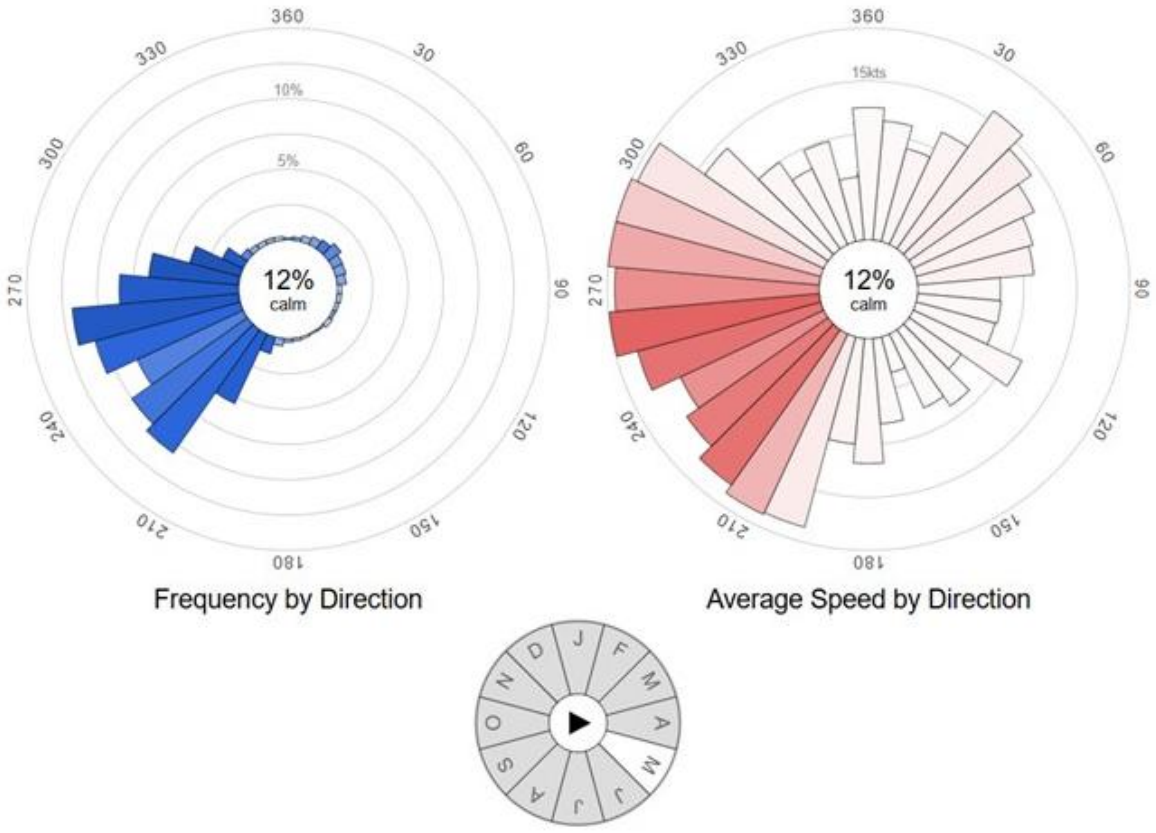
involving the release of hazardous materials" because the chemicals and toxic metals present in ground mounted utility scale solar facilities are "confined to the devices in which they operate" and would only present a hazardous risk if "breakage" occurred (DIER page 4.8-27). These risks were deemed "less than significant" because the EIR assumed that hazardous compounds would not be released into the environment because they would be properly disposed of in accordance with "numerous federal, state, and local regulations" that exist which "require strict adherence to specific guidelines" for the disposal of hazardous waste (DEIR page 4.8-27). The DEIR also assumed that compliance with numerous federal, state, and local regulations at ground mounted utility scale solar facilities would "reduce the potential for humans or the environment to be affected by an accidental release of hazardous materials" (DEIR page 4.8-28). The DEIR finally concludes that any impact of an accidental hazardous release from a ground mounted utility scale solar facility approved pursuant to the Renewable Energy Ordinance would be negligible because such projects would comply with adopted regulations (DEIR page 4.8-28). This are reasonable conclusions, given that the Ordinance defines a "utility scale ground mounted renewable energy facility" as a "device or devices affixed to the ground and any accessory equipment or structures that converts solar energy into electrical or thermal energy primarily for off-site use". The problem is, the BESS does not "convert solar energy into electrical or thermal energy" and thus it is not consistent with how an accessory use is defined by the Renewable Energy Ordinance. Furthermore, the EIR certified for the Renewable Energy Ordinance never contemplated a BESS accessory to a utility scale ground mounted renewable energy facility, and it never considered the wildfire or hazardous emission risks posed by BESS deflagration events. Therefore, the County is precluded from approving the proposed BESS under the provisions of the Renewable Energy Ordinance because the BESS is inconsistent with the Renewable Energy Ordinance and its impacts were never addressed in the EIR that was certified pursuant thereto.

Page 19 pertaining to toxic dispersion and receptor impacts. The Applicant produces a wind rose representing annual average windspeeds and directions at "the closest air quality monitoring station" operated by the Antelope Valley AQMD (AVAQMD). No citation is provided, but the figure suggests the location is at or near the Fox Field airport located in the middle of the broad expanse of the Antelope Valley; Fox Field is more than 18 miles from the project site and far from any of the foothills that influence and even dictate wind patterns in the project area. Accordingly, the wind rose provided by the Applicant provides is not representative of conditions at the project site.

Nonetheless, the Applicant relies on this wind rose and its depiction of wind data tendencies (specifically, windspeeds of less than 11.1 mph that are predominantly toward the east) to conclude "the nearest receptor would not be within the direct path of any pollutant plume". There are so many problems with this conclusion that it is difficult to know where to begin. First, the Applicant's wind rose does not represent conditions at the project site which is are influenced by the adjacent foothills of the Sierra Pelona range.

Second, the Applicant's wind rose is based on average windspeeds calculated over an unknown period of years; therefore, it fails to account for how windspeeds vary across the seasons. For example, Figure 8 provides average wind rose data from Fox Field for the month of May, and it clearly shows that winds are rarely calm (they are less than 5 knots or 6 mph only 12% of the time). It also shows that windspeeds exceeding 12 mph (10.4 knots) are common; this means that, during certain times of the year, prevailing winds routinely exceed the 12 mph condition for which a UL 9540A certification means BESS deflagrations are less likely to spread beyond a single burning BESS.

Figure 8. Windrose Data from Fox Field For the Month of May.



Source: https://windhistory.com/station.html?KWJF

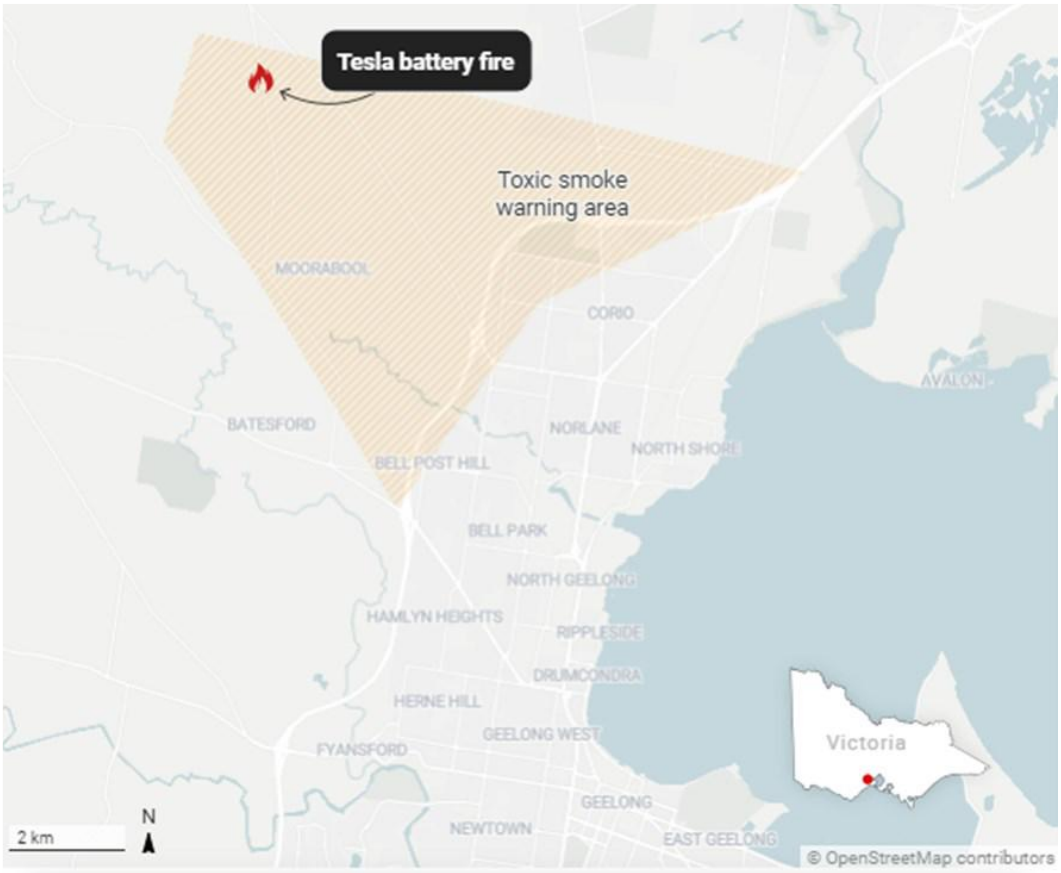
Third, Figure 8 shows that directional wind shifts can and do occur, and when winds blow toward the west, windspeeds easily exceed 12 mph[83]. These facts repudiate the Applicant's claim that the nearest receptor will not be affected by hazardous emissions when BESS deflagrations occur: the Applicant simply cannot guarantee that winds at the project site will always be less than 11.1 mph and will always blow toward the east. This is no small concern. As Figure 9 indicates, homes are scattered to the north, south, and west of the BESS, and just two miles to the west lies the most densely populated area in Neenach. A BESS deflagration that occurs when winds are blowing toward the north, south, or west ***will*** threaten these areas because the shelter in place orders which attend such events extend for miles. For example, the Victoria BESS deflagration event described above induced residential areas 6 miles away to shelter in place for hours; the event map is provided in Figure 10.

Figure 9. Residences to the North, South, and West of the BESS.

Additionally, the site is near Highway 138 which is a mapped truck transportation route. A BESS deflagration event would not only affect this highway, but also compel residents in the surrounding area to shelter in place or perhaps even evacuate which, in and of itself, is a potentially significant environmental effect that must be addressed. For all the reasons set forth above, the Board should not accord any weight to the Applicant's dismissive and unsubstantiated claim that receptors will not be in the path of toxic plumes generated by BESS deflagration events at the project site.

[83] In pointing this out, SORT does not concede that Fox Field wind data represents project site conditions.

Figure 10. "Shelter in Place" Area Map for the Victoria BESS Fire.



Source: https://www.theage.com.au/national/victoria/blaze-at-tesla-big-battery-extinguished-after-three-day-battle-for-control-20210802-p58f6x.html

Page 20 pertaining to monitoring results from a BESS deflagration events. The Applicant states that air monitoring during and after BESS fires do not detect public health concerns and, pointing to monitoring data from an SDGE BESS fire, the Applicant states "at no time during the incident did the levels of oxygen deviate from 20.9 percent, which is considered normal atmospheric level. Any decrease in the percentage of oxygen would indicate that there was some unknown gas in the atmosphere". Apparently, the Applicant is under the impression that the presence of toxic contaminants will affect the percentage of oxygen in the air, and that toxic contaminants can be presumed absent whenever the oxygen concentration is 20.9%. This demonstrates an appalling lack of understanding regarding air quality monitoring techniques, because the contaminants of concern (namely, HF and HCN) are so toxic that they are deadly a concentration of only 0.0006% (which is 6 parts per million); this means that their presence at deadly concentrations *has no detectable effect on oxygen levels* which remain steady 20.9%. The Applicant's contention that the absence of toxic

constituents can be inferred from unchanged oxygen levels is so patently absurd that even the most inexperienced environmental engineer would never make such a claim, so the Board should disregard it in its entirety.

SORT notes other significant deficiencies in the BESS fire report cited by the Applicant. For example, the report indicates that air quality monitoring did not even begin until hours after BESS deflagration initiated[84] so it provides no data for the most crucial portion of the event. Additionally, measured HCN concentrations were nearly half of the 4.7 part per million "never to be exceeded" level set by the National Institute of Occupational Health ("NIOSH")[85]; this means that toxic compounds were present at worrying levels (contrary to what the Applicant states). Perhaps the most significant deficiency is that no air monitoring for Hydrogen Fluoride was conducted; instead, the responding HAZMAT team used "Fluoride Paper"[86]. However, "Fluoride Paper" is incapable of detecting fluoride at the NIOSH toxicity level of 6 parts per million[87] (or 5 mg/m^3); in fact, manufacturer specifications indicate that "Fluoride Paper" cannot even detect fluoride until it reaches a concentration of 20 mg/L[88] (or 20,000 mg/m^3). This means the HF measuring methodology used for the SDGE BESS deflagration event is so insensitive that it can only detect HF when HF concentrations are 4,000 times higher than the NIOSH toxicity limit! Said another way, even if HF concentrations were thousands of times higher than NIOSH toxicity levels, "Fluoride Paper" would still not be able to detect it.

Next, the Applicant points to a summary report discussing BESS deflagration events in New York. This report merely states that HAZMAT teams sampled air quality at several BESS fires; it provides no information regarding when air sampling was initiated (or how long after BESS ignition it began) or toxic concentration data or even what sampling methods were used. If New York HAZMAT crews used the same methodology that was employed for the SDGE BESS fire ("Fluoride Paper", oxygen monitoring, and conducting air sampling long after BESS ignition), then it is no wonder that the results showed nothing. In any event, because the New York report cited by the Applicant provides no actual air quality information and only presents general conclusions based on undisclosed data that was collected using unknown methodologies at unknown times, it has no evidentiary value at all.

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[84] According to the last page of the report, BESS deflagration began before noon on September 5, but page 2 reports that monitoring did not begin until 2:30 PM.
[85] Page 4 identifies exposure limits; page 5 provides monitoring results. Note: HCN levels were 2 ppm.
[86] The last page states "Fluoride reactive test strips" were used.
[87] https://www.osha.gov/chemicaldata/622
[88] https://ctlscientificsupply.com/flyers/hazmat.pdf

Finally, the Applicant points to UL 9540A standards and LACoFD requirements to claim that "the safety features and protocols built into today's BESS are designed to prevent harm to operators, first responders and neighbors". However, there are no "safety features" or "protocols" which render BESS deflagration events safe, and even the UL 9540A standards touted by the Applicant demonstrate that BESS deflagration is a very real concern. Moreover, it is were true that "today's BESS" are guaranteed to "prevent harm" to first responders and the public, then 1) the firefighting experts from Los Angeles County Firefighters Union (Local 1014) would never have issued a "Cease and Desist" Order (Order) to Chief Marrone that called on Los Angeles County to stop approving BESS in residential areas; and 2) the California Legislature would never have adopted SB 283 or AB 841 (for reference, see the SORT letter submitted to the Board on January 22, 2026).

Page 22 pertaining to inadequate water resources to address BESS deflagration. SORT appreciates the Applicant's clarification that the water used for the project will not come from AVEK and will instead be acquired from a retail supplier and trucked in. The Applicant further clarifies that the amount of water required for project construction and operation is "minor compared to the water currently used on the project site for agricultural uses" (though the record provides no evidence regarding these "agricultural uses" or even the amount of water utilized by these "agricultural uses"). Next, the Applicant argues that the 10,000 gallon water tank included with the project is sufficient because it is in accordance with LACoFD requirements. However, the Applicant ignores the fact that LACoFD required the 10,000 gallon tank to address the fire suppression needs of the solar farm and did not establish any provisions to address BESS deflagration events (as explained above). This constitutes a substantial project deficiency.

Finally, the Applicant dismisses all of SORT's concerns regarding the adequacy of water resources for BESS fire suppression by simply asserting that any additional water required for firefighting purposes "would be provided by and coordinated by the Fire Department". This vague and dismissive claim reveals that the Applicant is clearly unaware that BESS fire control operations require hundreds of thousands of gallons of water (because they can go on for days and even weeks) and that firefighting pumper trucks do not carry sufficient water volumes to address this need. That is why the project's water resource needs must be re-assessed and accounted for ***before*** the Board approves the project.

CONCLUSION

The substantial evidence provided herein is more than sufficient to demonstrate that the appeal should be granted and that the project should be remanded back to Regional Planning with direction to eliminate the BESS component of the project and prepare a proper noise impact analysis that correctly addresses County-adopted noise standards. SORT trusts that this information will be useful in your contemplation of the proper course of action on the appeal. If you have questions or wish to discuss matters presented herein, please do not hesitate to contact me at SORTActon@gmail.com.

Respectfully submitted;

/S/Jacqueline Ayer
Jacqueline Ayer, Director
Save Our Rural Town

ATTACHMENT 1.

TRANSCRIPT OF AUGUST 20, 2025 PLANNING COMMISSION HEARING BEGINNING WITH AGENDA ITEM #7.

BEFORE THE REGIONAL PLANNING COMMISSION

OF THE COUNTY OF LOS ANGELES

320 West Temple Street

Los Angeles, California 90012

Hearing Date: August 20, 2025 9:00 AM

Transcript of all discussions pertaining to agenda item #7 and general public comment.

MINUTE 7:40 OF AUDIO RECORDING

CHAIR LOUIE. ARIGHT. WE ARE ON TO PROJECT NUMBER, PRJ2023002405 IN THE FIFTH DISTRICT. MS, CHOI, DO YOU HAVE A REPORT FOR US THIS MORNING?

SOYEON CHOI: GOOD MORNING, CHAIR AND MEMBERS OF THE COMMISSION. MY NAME IS SOYEON CHOI WITH THE NORTH COUNTY DEVELOPMENT SERVICES SECTION. THE MATTER BEFORE YOU IS A REQUEST FOR A CONDITIONAL USE PERMIT, RPPL2023005137, TO AUTHORIZE THE DEVELOPMENT, OPERATION, AND MAINTENANCE OF A NEW 4.99 MEGAWATT GROUND MOUNTED UTILITY SCALE SOLAR ENERGY FACILITY. THE PROJECT SITE IS LOCATED IN THE UNINCORPORATED COMMUNITY OF ANTELOPE VALLEY WEST TO THE NORTH OF WEST AVENUE B, NEAR THE BORDER OF VENTURA COUNTY AT THE AT THE NORTHEASTERN CORNER OF WEST AVENUE D AND 230TH STREET. NEXT SLIDE.

IT IS DESIGNATED AS RURAL LAND 10 UP TO ONE DWELLING UNIT PER 10 ACRE UNDER THE ANTELOPE VALLEY AREA PLAN AND ZONED A2-2 OR HEAVY AGRICULTURAL WITH TWO ACRE MINIMUM REQUIRED LOT AREA. THE FACILITY WILL OCCUPY APPROXIMATELY 31 ACRES OF A 40 ACRE VACANT SITE. THERE'S AN EXISTING SINGLE FAMILY RESIDENCE AT THE SOUTHWESTERN CORNER OF THE PROJECT SITE, WHICH WILL CONTINUE TO EXIST AND BUFFERED WITH FENCES AND PERIMETER LANDSCAPING. OTHER SURROUNDING LAND USES WITHIN 500 FOOT OF THE PROJECT SITE BOUNDARIES CONSIST OF VACANT LAND AND ANOTHER SINGLE FAMILY RESIDENCE TO THE SOUTH. THE PROJECT INVOLVES THE INSTALLATION OF PHOTOVOLTAIC PANEL ARRAYS ORIENTED NORTH TO SOUTH, RETENTION BASINS, ONE 10,000 GALLON WATER TANK AT THE EXCESS GATE, AS

APPROVED BY FIRE DEPARTMENT, 20 FOOT WIDE INTERNAL AND PERIMETER ACCESS ROAD.

A 4.99 MEGAWATT BATTERY ENERGY STORAGE SYSTEM, OR BESS WILL ALSO BE INSTALLED AT THE SOUTHWESTERN CORNER OF THE PROJECT SITE AS AN ACCESSORY USE, AS IT WILL BE USED TO STORE EXCESS ENERGY GENERATED DURING PEAK SOLAR PRODUCTION AND DISCHARGE IT WHEN SOLAR GENERATION IS LOW. THE ENERGY GENERATED FROM THE PROJECT WILL TRANSMIT THROUGH AN APPROXIMATELY 675 FOOT LONG, NEW UNDERGROUND GEN TIE LINES ALONG 230TH STREET WEST FROM THE PROJECT SITE TO AN EXISTING ELECTRICAL DISTRIBUTION SYSTEM GRID OWNED BY SCE

AN EIGHT FOOT TALL, WILDLIFE PERMEABLE FENCE WILL SURROUND THE PERIMETER OF THE PROJECT SITE. THE MAXIMUM HEIGHT OF THE PANEL WILL BE 25 FEET. A 10 FOOT WIDE LANDSCAPE BUFFER WILL BE INSTALLED ALONG 230TH STREET WEST AS WELL AS ADJACENT TO THE EXISTING SINGLE FAMILY RESIDENCE AT THE SOUTHWESTERN CORNER OF THE PROJECT SITE. THE LANDSCAPING WILL BE REGULARLY SPACED AND COMPRISED OF DROUGHT TOLERANT VEGETATION.

THE RENEWABLE ENERGY GENERATED FROM THE PROJECT WILL GENERATE APPROXIMATELY 15,000 MEGAWATTS ANNUALLY AND ASSIST IN THE REDUCTION OF 5,750 METRIC TONS OF CARBON DIOXIDE ANNUALLY. CONSTRUCTION OF THE FACILITY IS ANTICIPATED TO LAST SEVEN MONTHS, WITH APPROXIMATELY 15 TO 20 CONSTRUCTION WORKERS DURING NON PEAK ACTIVITIES, AND APPROXIMATELY 50 WORKERS DURING THE PEAK CONSTRUCTION PERIOD. THE PROJECT WILL REQUIRE 3,600 CUBIC YARDS OF GRADING APPROXIMATELY, INCLUDING CUT AND

FILL TO BE BALANCED ON SITE TO DEVELOP PERIMETER ROADS, RETENTION BASINS, TANK AND EQUIPMENT PADS. SOLAR ARRAY POSTS WILL BE DRIVEN DIRECTLY INTO THE GROUND AND REQUIRES MINIMAL GROUND DISTURBANCE. THOSE CONTROL MEASURES INCLUDE WORKERS TRAINING AND IMPLEMENTATION OF VALLEY FEVER MANAGEMENT PLAN AS WELL AS DUST CONTROL PLAN THAT MAY ADDRESS MAINTENANCE AND CLEANING OF EQUIPMENT, VEHICLES, CONSTRUCTION AREAS AND PARKING AND STAGING AREAS.

WATER USE FOR THE FACILITY IS ESTIMATED AT 13 ACRE FOOT DURING ONE YEAR CONSTRUCTION PERIOD, AND 0.2 ACRE FOOT PER YEAR DURING OPERATION. OPERATIONS INCLUDE IRRIGATION, IRRIGATING THE LANDSCAPED PERIMETER BUFFER AND WASHING THE PANELS. PRIMARY SOURCE OF WATER WILL BE PURCHASED FROM A LOCAL WATER WHOLESALER IF RECYCLED WATER IS NOT AVAILABLE.

ANALYSIS FOR CONSTRUCTION AND OPERATION NOISE WAS REVIEWED BY PUBLIC, UH, THE DEPARTMENT OF PUBLIC HEALTH AND WAS DETERMINED COMPLETE AND SUFFICIENT, AND THAT THE PROJECT'S NOISE LEVEL WOULD NOT HAVE A SIGNIFICANT IMPACT IN THE SURROUNDING AREA.

DECOMMISSIONING PLAN FOR THE PROJECT WILL INCLUDE REMOVAL OF ALL FACILITY COMPONENTS, AS WELL AS SITE RESTORATION PLAN TO REESTABLISH SITE CONDITIONS THAT EXISTED PRIOR TO THE FACILITY'S CONSTRUCTION AFTER IT CEASES OPERATION.

THE PHOTOGRAPH ON THE LEFT SHOWS THE EXISTING CONDITION OF THE PROJECT SITE, AND ON THE RIGHT IS A SIMULATION OF PROPOSED PROJECT AND ITS PERIMETER. THE FOLLOWING PHOTO SLIDES WILL SHOW THE PHOTOGRAPHS OF THE

EXISTING SITE CONDITIONS. SO, THESE PHOTOS SHOW THE PROJECT SITE FROM NORTHWEST AND NORTHEAST VIEWS, AND THIS SERIES OF PHOTOS SHOW THE PROJECT SITE FROM SOUTHWEST, WEST AND EAST VIEWS

A MITIGATED NEGATIVE DECLARATION, OR MND WAS PREPARED FOR THE PROJECT, AND MITIGATION MEASURES WERE IDENTIFIED TO REDUCE PROJECT IMPACTS TO A LESS THAN SIGNIFICANT LEVEL. ON THE MND STAFF RECEIVED TWO COMMENTS LETTERS FROM THE MEMBERS OF GENERAL PUBLIC AND TWO COMMENT LETTERS FROM REGULATORY AGENCIES. AND THE COMMENTS WERE INCORPORATED INTO THE PROJECT, AND MITIGATION MEASURES, AS MUCH AS FEASIBLE. RESPONSES TO COMMENTS IS ALSO INCLUDED IN THE HEARING PACKAGE.

MITIGATION MEASURES ARE INCLUDED FOR AIR QUALITY, WITH DUST CONTROL MEASURES; BIOLOGICAL RESOURCES, WITH VEGETATION AND WILDLIFE SURVEYS, AVOIDANCE BY SPECIFIC BUFFERS, REGULAR MONITORING AND OBSERVATION; CULTURAL RESOURCES WITH MEASURES FOR IDENTIFYING AND REPORTING CULTURAL ARTIFACTS AND CULTURAL RESOURCES AWARENESS TRAINING, TRIBAL CULTURE RESOURCES, INCLUDING RESOURCES MONITORING AND TREATMENT PLAN, MONITORING OF GROUND DISTURBANCE ACTIVITIES AND EVALUATION AND TREATMENT OF ANY CULTURAL RESOURCES ENCOUNTERED DURING CONSTRUCTION.

THE PROJECT COMPLIES WITH THE APPLICABLE DEVELOPMENT STANDARDS IN THE COUNTY'S RENEWABLE ENERGY ORDINANCE, SUCH AS SETBACKS, FENCE DESIGN AND HEIGHT AND LANDSCAPING REQUIREMENTS. STAFF DETERMINED THAT, BASED ON THE PROJECT COMPONENTS DESCRIBED EARLIER, THE PROJECT COMPLIES WITH COUNTY'S GENERAL PLAN AND AREA PLAN GOALS AND POLICIES PERTAINING TO RENEWABLE ENERGY FACILITIES. THE AREA PLAN INCLUDES POLICIES FOR THE

USE OF RENEWABLE RESOURCES WHILE PROTECTING LOCAL COMMUNITIES. THE PROJECT ALSO HELPS MEET GOALS OF THE COUNTY'S COMMUNITY CLIMATE ACTION PLAN AND COUNTYWIDE SUSTAINABILITY PLAN BY REDUCING GREENHOUSE GAS EMISSIONS AND PROVIDING MORE RENEWABLE ENERGY.

STAFF ALSO BELIEVES THAT THE PROJECT IS COMPATIBLE WITH THE SURROUNDING AREA, WITH ITS PERIMETER FENCE, LANDSCAPING AND SETBACK, PROPOSED GEN TIE ROUTE, PASSIVE NATURE OF THE PROJECT AND APPROPRIATE MITIGATION, IMPACTS TO THE COMMUNITY AND ENVIRONMENT WILL BE LESSENED. THE PROJECT WAS PUBLICLY NOTICED PER COUNTY CODE REQUIREMENTS. ON AUGUST 19, 2025 AT 5PM STAFF RECEIVED ONE ADDITIONAL COMMENT LETTER FROM ACTON TOWN COUNCIL THAT INCLUDES QUESTIONS ABOUT THE PROJECT. THEREFORE, STAFF RECOMMEND ADOPTION OF THE MND ENVIRONMENTAL PLAN CASE NUMBER RPPL2023005138 AND APPROVAL OF CUP RPPL2023005137, SUBJECT TO A 35 YEAR TERM AND TO THE FINDINGS AND CONDITIONS PREPARED BY STAFF. THIS CONCLUDES MY PRESENTATION, AND I'M AVAILABLE FOR ANY QUESTIONS. THANK YOU.

CHAIR LOUIE: THANK YOU VERY MUCH. MISS CHOI. QUESTIONS, COMMENTS, THOUGHTS FROM MY FELLOW COMMISSIONERS?

COMMISSIONER HASTINGS: MR. CHAIR, TWO QUICK QUESTIONS, IF I MAY MISS CHOI. WHAT WAS THE APPLICATION DATE? THE INITIAL APPLICATION DATE ON THIS.

SOYEON CHOI: UM IT IS UH 2023 I DON'T I, WE CAN LOOK UP.

COMMISSIONER HASTINGS: 2023.

SOYEON CHOI: YES.

COMMISSIONER HASTINGS: OKAY. AND ALSO, WHAT IS A VALLEY FEVER MANAGEMENT PLAN?

SOYEON CHOI: SO, IT'S THE PLAN PREPARED BY THE APPLICANT. I'S BASICALLY THOSE SIMILAR TO DUST CONTROL PLAN TRYING TO CONTROL AND MITIGATE ANY IMPACT FROM THE DUST SO THAT ANY ALLERGENS OR BACTERIA THAT'S CAUSING VALLEY FEVER WILL BE REDUCED AND MITIGATED AS MUCH AS POSSIBLE.

COMMISSIONER HASTINGS: OKAY BECAUSE I'VE NEVER HEARD IT CALLED A FEVER PLAN BEFORE. BUT THANK YOU VERY MUCH. THANK YOU, MR. CHAIR.

COMMISSIONER LOUIE: NO OTHER THOUGHTS? QUESTIONS? WELCOME. I SEE THAT WE HAVE SOME YOUNGER VISITORS WITH US TODAY. WHERE ARE YOU FROM? AH, I SEE. I SEE. THANK YOU VERY MUCH. IS THE APPLICANT PRESENT?

ELIDA LUNA: YES, WE HAVE FOUR. WE HAVE RYAN NYBERG, JESSE FAN, LISA ECTOR, AND ANNE MAITABU. IF YOU. WE HAVE ROOM FOR TWO IN THE FRONT. YOU ALL HAVE 15 MINUTES TO PRESENT. PLEASE STATE YOUR NAME FOR THE RECORD. GIVE ME A SECOND. OKAY,

RYAN NYBERG: GOOD MORNING, CHAIR AND MEMBERS, COMMISSIONERS AND STAFF. MY NAME IS RYAN NYBERG, AND I'M A PERMITTING MANAGER WITH RENEWABLE PROPERTIES. WE HAD SOME SLIDES PREPARED. THERE WE GO. THANK YOU. NEXT SLIDE PLEASE.

SO HERE IS JUST A LITTLE BIT OF A ROADMAP OF WHAT I PLAN TO DISCUSS TODAY. I APOLOGIZE FOR THE FORMAT THERE, BUT WHAT WAS THERE WAS A TEAM INTRODUCTION, A SOLAR OVERVIEW RUNNING THROUGH STATE, LOCAL POLICY AND GOALS, A LITTLE INTRODUCTION TO COMMUNITY SOLAR PROGRAMS, OUR SOLAR

SITE SELECTION PROCESS, AND THEN GET INTO SOME PROJECT DETAILS, WITH AN OVERVIEW BENEFITS OF THE PROJECT, DECOMMISSIONING, AND THEN CLOSING REMARKS.

NEXT SLIDE, PLEASE. SO RENEWABLE PROPERTIES IS A NATIONAL DEVELOPER, FINANCER, OWNER AND OPERATOR OF COMMUNITY SOLAR, PV, ENERGY STORAGE AND ELECTRICAL VEHICLE CHARGING PROJECTS. WE ARE HEADQUARTERED IN SAN FRANCISCO. WE HAVE A ROBUST DEVELOPMENT PIPELINE THAT IS IN EXCESS OF ONE GIGAWATT COVERING ABOUT 15 STATES. BUT IN CALIFORNIA, WE HAVE A ROBUST PRESENCE WHERE WE'RE ACTIVELY PERMITTING 11 PROJECTS, AND HAVE AN EXTENSIVE FOOTPRINT ON THE CONSTRUCTION SIDE, WHERE WE'RE ACTIVELY CONSTRUCTING 100 MEGA, APPROXIMATELY 100 MEGAWATTS OF SOLAR AND ENERGY STORAGE PROJECTS IN THE STATE. BEYOND CALIFORNIA, WE HAVE AN ADDITIONAL 175 MEGAWATTS CURRENTLY IN CONSTRUCTION ACROSS FOUR OTHER STATES. AND ON THE OPERATIONAL SIDE IN CALIFORNIA, WE HAVE NINE PROJECTS THAT ARE CURRENTLY IN OPERATION, TOTALING ABOUT 40 MEGAWATTS, WITH ANOTHER 110 OR SO MEGAWATTS ACROSS 38 OR SORRY, 29 OTHER PROJECTS IN SEVEN STATES.

SO, I WANTED TO GIVE A LITTLE SOLO OVERVIEW, STARTING WITH STATE AND LOCAL GOALS. AND AGAIN, APOLOGIZE FOR THE FORMATTING, BUT CALIFORNIA SET LOFTY POLICY GOALS IN 2018 STARTING WITH GOVERNOR BROWN, WHERE HE SIGNED IN THE CALIFORNIA RENEWABLE PORTFOLIO STANDARD PROGRAM AMONG THAT, THAT SENATE BILL CODIFIED CALIFORNIA'S ENERGY GOALS AND SET AN AGGRESSIVE TARGET TO 60% OF RENEWABLE ENERGY BY 2030, AND 100% BY 2045. IN 2022 GOVERNOR NEWSOM SIGNED INTO LAW THE CLEAN ENERGY JOBS

AND AFFORDABLE AFFORDABILITY ACT, WHICH FURTHER DEFINED INTERIM GOALS TO HIT 90% BY 2035 95 BY 2040, AND 100% BY 2045, IN RECENT STUDIES BY THE CALIFORNIA ENERGY COMMISSION, THEY HAVE FOUND THE STATE NEEDS TO BRING APPROXIMATELY SIX GIGAWATTS OF CLEAN ENERGY ONLINE EACH YEAR TO ACHIEVE THESE GOALS, WHICH MAKES DEVELOPING PROJECTS LIKE THESE CRITICAL TO HIT STATE GOALS. IN ADDITION… UH SORRY. IN ADDITION, THIS PROJECT ALSO HELPS SUPPORT LA COUNTY'S GENERAL PLAN GOAL AND POLICY TO ENCOURAGE PRODUCTION AND USE OF RENEWABLE ENERGY RESOURCES THROUGHOUT THE COUNTY.

THIS PROJECT IS UNIQUE IN THAT IT IS WITHIN A COMMUNITY SOLAR PROGRAM WITH SOUTHERN CALIFORNIA EDISON'S ENHANCED COMMUNITY RENEWABLES PROGRAM, ALSO SHORTENED TO ECR. FOR THOSE WHO ARE UNFAMILIAR WITH COMMUNITY SOLAR PROJECTS, THEY'RE PROJECTS THAT ARE LOCAL TO A GEOGRAPHIC AREA IN WHICH THE ENERGY THAT IS PRODUCED BENEFITS LOCAL CUSTOMERS. SO, UTILITY COMPANIES SUCH AS SOCAL EDISON PROCURES ENERGY FROM THE PROJECT AND DELIVERS IT TO THE GRID. HOWEVER, CUSTOMERS CAN THEN SUBSCRIBE TO A PORTION OF THE ENERGY GENERATED FROM THE PROJECT DIRECTLY WITH THE DEVELOPER, SUCH AS RENEWABLE PROPERTIES. AS A SUBSCRIBER, THE CUSTOMER THEN RECEIVES A BILL CREDIT FOR THE ENERGY FOR IN… FOR THE ELECTRICITY GENERATED BASED ON THEIR SHARE OF SUBSCRIPTION.

PROGRAMS LIKE THESE HELP CREATE ENERGY EQUITY BY OPENING ACCESS TO THE BENEFITS OF SOLAR TO THOSE WHO ARE UNABLE TO HAVE SOLAR ON THEIR OWN RESIDENCE OR PROPERTY, WHETHER IT BE A HOUSE THAT IT YOU KNOW THE ROOF

IS NOT SUPPORTING ROOF SOLAR OR OTHER REASONS, FINANCIALLY OR OTHERWISE
RENEWABLE PROPERTIES GOES THROUGH A ROBUST SOLAR SITE SELECTION PROCESS, AND IT BEGINS AT THE EARLY STAGES OF LOOKING THROUGH MARKET STRATEGIES AND ENTRY ANALYSIS. IT'S LOOKING AT COUNTIES THAT HAVE RENEWABLE ENERGY POLICIES THAT SUPPORT THE DEVELOPMENT OF RENEWABLE ENERGY, SUCH AS LA COUNTY WITH THEIR RENEWABLE ENERGY ORDINANCE. IT ALSO LOOKS AT SITE SPECIFIC CHARACTERISTICS. WANT TO FIND PROPERTIES THAT HAVE LIMITED ENVIRONMENTAL IMPACTS SO NO FLOOD ZONES, FLAT TOPOGRAPHY, EASY SITE ACCESS, OFF, OFF EXISTING ROADS, NO KNOWN CRITICAL HABITATS OR SENSITIVE SPECIES, UH PROXIMITY TO LOCAL GRID. AND THEN LASTLY, DO NOT WANT TO IMPACT WETLANDS. THERE'S ALSO AN ANALYSIS OF THE LOCAL GRID. WANT TO BE ABLE TO INTERCONNECT INTO THE GRID WHERE THERE'S CAPACITY AND THERE'S A VIABLE, COST EFFECTIVE CONNECTION, WHICH HELPS BRING THE PROJECT FORWARD SUCCESSFULLY. ALL OF THIS IS… AND ALSO THEN WILLING LANDOWNERS THAT WILL LEASE THEIR LAND TO HAVE PROJECT ECONOMICS THAT WORK.
ALL IS THIS TO SAY THAT BY THE TIME WE COME FORTH TO THE PLANNING COMMISSION, WE'VE INVESTED SIGNIFICANT TIME, ENERGY AND RESOURCES TO ENSURE THAT A SUCCESSFUL PROJECT IS BUILT WITH MINIMAL ENVIRONMENTAL IMPACTS THAT ARE MITIGATED AND HAVE A SUCCESSFUL PROJECT FOR ALL STAKEHOLDERS INVOLVED TH
TO GET INTO SOME PROJECT OVERVIEW, I APPRECIATE SOYEON'S PROJECT INTRODUCTION. IT WAS GREAT. THE PROJECT IS LOCATED OFF OF WEST 230TH

STREET IN THE NEENACH AND ANTELOPE VALLEY AREA. IT'S… THE OVERALL PARCEL IS ABOUT 40 ACRES. HOWEVER, WE'RE ONLY DEVELOPING A PORTION OF THAT, LEAVING ABOUT NINE ACRES TO THE TO THE LANDOWNER.

AS NOTED, IT'S A COMMUNITY SOLAR PROJECT. IT HAS A 4.99 MEGAWATT CAPACITY, AND THAT IS SPLIT BETWEEN THE PV SYSTEM AND THE BESS SYSTEM, EACH OF EQUAL CAPACITY, BUT AT NO POINT DOES IT, DOES IT DISCHARGE MORE THAN 4.99 TO THE GRID. NOR DOES THE BATTERY ENERGY STORAGE SYSTEM CHARGE THE GRID. IT ONLY CHARGES OFF OF THE PV SYSTEM,

AS STATED, UH SORRY. AS STATED, SOLAR ENERGY FACILITIES SUCH AS THIS IS AN ALLOWED USE WITH THE CONDITIONAL USE PERMIT WITHIN THE ZONING DISTRICT, AND THROUGH THE PROJECT PROCESS, AN IS/MND WAS PREPARED WHERE NO SIGNIFICANT EFFECT WAS DETERMINED.

GOING BACK TO KIND OF OUR SITE SELECTION PROCESS. THIS IS THE RIGHT LOCATION FOR A PROJECT. IT'S A RELATIVELY FLAT PROJECT. IT REQUIRES MINIMAL GRADING AND DISTURBANCE TO INSTALL. ITS NEAR EXISTING PHOTOVOLTAIC FACILITIES IN THE AREA, AND THE REMAINING ADJACENT PARCELS ARE LARGELY VACANT.

IT HAS GOOD PROXIMITY TO ELECTRICAL GRID. IT INTERCONNECTS TO THE EXISTING DISTRIBUTION GRID AT THE SOUTHWEST CORNER OF THE PROJECT; SO, THERE'S NO ADDITIONAL ENVIRONMENTAL IMPACTS THAT ARE NEEDED TO CONNECT THIS PROJECT TO THE GRID.

THE PROJECT ADHERES TO ALL THE LA COUNTY UTILITY SCALE RENEWABLE ENERGY ORDINANCE CODE. AND LASTLY, THIS PROJECT HAS A SIGNED PPA WITH SOUTHERN CALIFORNIA EDISON, WITHIN THEIR ECR PROGRAM THAT IS PART OF

THE GREEN TARIFF SHARED RENEWABLE PROGRAM. AGAIN, THE ECR PROGRAM IS COMMUNITY SOLAR PROGRAM WITHIN SCE'S GOVERNANCE, SO IT DOES PRIORITIZE LOCAL SUBSCRIBERS TO BENEFIT FROM THE PROJECT'S POWER GENERATION.

UH, JUST ANOTHER RECAP ON THE SOLAR, OR SITE PLAN THAT WAS IN THE STAFF REPORT, AND A LITTLE BIT OF A GRAPHIC SHOWING THE ORIENTATION OF THE PANELS, OR, SORRY, CROSS SECTION OF THE PANELS, AND THEN PROJECT BENEFITS, AGAIN, AS STATED BEFORE THIS, THIS PROVIDES GRID STABILITY, CLEAN AND AFFORDABLE POWER FOR LOCAL PROJECT AND INTO THE BROADER COUNTY COMMUNITIES. THIS IS ALL DONE THROUGH SCE IS COMMUNITY RENEWABLE PROGRAM.

IT UTILIZES THE EXISTING DISTRIBUTION GRID FOR INTERCONNECTION, SO IT MINIMIZES IMPACTS THERE. IT'S NOT BUILDING LARGE TRANSMISSION LINES TO TAKE THIS POWER OUTSIDE OF THE COUNTY. IT'S KEPT LOCAL. IT PLAYS AN IMPORTANT PART, AGAIN, IN ACHIEVING THE STATE AND LOCAL GOALS FOR NEW RENEWABLE ENERGY DEVELOPMENT. IT'S LATE STAGE DEVELOPMENT OPPORTUNITY, MEANING IT'S NEAR CONSTRUCTION. SO, IT'S A NEAR TERM SOLUTION TO INCREASING RENEWABLE ENERGY GENERATION, ADDRESSING CLIMATE CHANGE AND CONTRIBUTING TO THE STATE AND LOCAL GOALS. AND LASTLY, SOLAR AND STORAGE IS ULTIMATELY A LOW IMPACT DEVELOPMENT OPPORTUNITY.

AT THE END OF THE PROJECT, WE'VE CREATED A CLOSURE, REVEGETATION AND REHABILITATION PLAN, IT'S CONSISTENT WITH THE LOCAL CODE AND CONDITIONAL USE PERMIT PROVISIONS SO THAT WE CAN DE ENERGIZE AND DECOMMISSION THE SITE SAFELY AND RESTORE THE PROJECT TO ITS ORIGINAL CONDITION PRIOR TO CONSTRUCTION. THIS INCLUDES RESTORING SOIL

CONDITIONS, REPLANTING VEGETATION VIA SEEDS AND OUR OTHER PLANTS. AND LASTLY, A DECOMMISSIONING BOND WOULD BE POSTED TO ENSURE THE PROPER END OF LIFE, UH END OF LIFE, CLOSURE AND RESTORATION AS REQUIRED. SO IN CLOSING, I APPRECIATE EVERYONE'S TIME TODAY AND HEARING THIS PROJECT, AND I'M OPEN TO ANSWERING ANY QUESTIONS, AS SEEN THAT.

COMMISSIONER LOUIE: THANK YOU VERY MUCH. QUESTIONS FROM THE COMMISSION. VERY GOOD. EARLIER YOU HAD MENTIONED THAT UH THERE ARE GOALS TO BE 2020, 2040, 2045. WHERE ARE WE CURRENTLY? AS A PERCENTAGE?

RYAN NYBERG: UH, I DO NOT KNOW TODAY, CURRENTLY, BUT I KNOW IN 2021 IT WAS ABOUT JUST OVER 50%

COMMISSIONER LOUIE: 50%

RYAN NYBERG: UM BUT THAT WAS AGAIN, 2021 BUT THE RECENT CEC STUDY WAS FROM 2024 I BELIEVE, WHERE THEY'RE STATING NEEDING ABOUT SIX GIGAWATTS A YEAR TO MEET THOSE GOALS. SO, WE STILL HAVE A LONG WAY TO GO, BUT MAKING PROGRESS

COMMISSIONER LOUIE: AND THE CHANGES IN POLICY, DIRECTION VELOCITY AT THE FEDERAL LEVEL, WHAT IMPACTS DO THEY HAVE UPON YOU,

RYAN NYBERG: ON US? WE'RE NOT SEEING IMPACTS TO THIS PROJECT.

COMMISSIONER LOUIE: THANK YOU VERY MUCH.

COMMISSIONER HASTINGS: MR. CHAIR?

COMMISSIONER LOUIE: PLEASE.

COMMISSIONER HASTINGS: I MAY ASK ONE QUESTION, YOU'RE LEASING THIS PROPERTY, CORRECT?

RYAN NYBERG: CORRECT.

COMMISSIONER HASTINGS: AND HOW LONG IS THE LEASE?

RYAN NYBERG: THE LEASE IS, I BELIEVE IT'S A 35 YEAR LEASE WITH OPTIONS TO EXTEND BASED ON, ON THE UH, IF THEIR PPA GETS EXTENDED OR WHATNOT.

COMMISSIONER HASTINGS: OKAY, THANK YOU. MR. CHAIR.

COMMISSIONER LOUIE: THANK YOU VERY MUCH. MS. LUNA, DO WE HAVE ANY SPEAKERS WHO WISH TO SPEAK?

ELIDA LUNA: YES, WE HAVE ELIZABETH, YOU MAY HAVE A SEAT.

COMMISSIONER LOUIE: THANK YOU VERY MUCH. MR. MILLER, I'M SORRY.

ELIDA LUNA: WE HAVE ELIZABETH TOPPER, PLEASE COME, PLEASE COME FORWARD. ELIZABETH, PLEASE COME FORWARD. HELLO, PLEASE STATE YOUR NAME FOR THE RECORD. YOU HAVE TWO MINUTES.

ELIZABETH TOPOR: OKAY? ELIZABETH TOPHER, T.O.P.O.R. SORRY, I'M LATE, HARD TO FIND PARKING. I AM THE NEIGHBOR TO THIS PROJECT. I KNOW THAT MY CHANCES ARE SLIM FOR OPPOSITION, BUT AS A LEARNING EXPERIENCE AND ALSO TO GIVE IT A TRY, HERE I AM. I AM VERY OPPOSED TO THIS PROJECT BECAUSE I'VE BEEN HERE FOR 25 YEARS. SO, I BOUGHT OUT HERE BECAUSE IT'S IN THE COUNTRY. IF I WANTED TO LIVE IN THE CITY, I WOULD HAVE MOVED TO THE CITY. THERE'S FRESH AIR, THERE'S OPEN SPACE, THERE'S WILDLIFE EVERYWHERE. I'VE GOT PICTURES OF ALL KINDS OF THINGS. IT'S BEAUTIFUL. I DON'T WANT TO SEE MY VIEW, WHICH WILL BE MY FENCE LINES RIGHT UP AGAINST THE PROPOSED PROPERTY SOLAR LINE. DON'T WANT TO SEE THAT VIEW OBSTRUCTED. BUT ALSO, I HAVE MULTIPLE HORSES AND CHILDREN THAT I'M CONCERNED ABOUT. AND AT MY AGE, WHICH IS 63, VALLEY FEVER HAS

BEEN ON THE RISE. LAST YEAR, MY DOCTOR EVEN TOLD ME SO AND THIS YEAR IT'S EVEN HIGHER. THEY'RE EXPECTING IT TO DOUBLE AND GO UP TO, LIKE, 12,000 CASES. SO, I'M VERY CONCERNED, BECAUSE I HAVE HAD COVID, AND I HAVE HAD A LITTLE LUNG PNEUMONIA, AND I'M VERY CONCERNED ABOUT THIS, WHAT THIS PROJECT WILL DO, EVEN WITH JUST WATERING IT DOWN. ANTELOPE VALLEY IS KNOWN FOR ITS EXTREME WIND, AND THAT, THAT CONCERNS ME, ESPECIALLY SINCE WE ACCESS THE AREA RIGHT NEXT TO THE SOLAR. THE CONCERN FOR THE KIDS IS THAT ALL EMPLOYEES WOULD BE FINGERPRINTED, BACKGROUND CHECKED, A NO CHILD MOLESTERS, THAT KIND OF THING. BECAUSE I AM STILL A FOSTER MOM WITH THE COUNTY OF LOS ANGELES. I'M VERY CONCERNED ABOUT MY HORSES, THAT PEOPLE ARE GOING TO BE MESSING WITH THEM, FEEDING THEM, REACHING OVER THE FENCES, THAT KIND OF THING. AND I ALSO HAD ASKED AND REQUESTED THE NAME OF THE OWNER OF THE COMPANY, BUT RICHARD WAS DRIVING THE DAY THAT WE TALKED, SO WE DIDN'T GET TO GO OVER HALF OF THE STUFF THAT WAS IN MY EMAIL TO HIM, AND HE DIDN'T HAVE ANYTHING IN FRONT OF HIM, AND BASICALLY, HE DIDN'T KNOW THE NAME OF THE OWNER. ALL WE KNOW IS THE ENTITIES THAT ARE SPEAKING FOR THE OWNER. SO THOSE ARE SOME OF MY CONCERNS.

ELIDA LUNA: OKAY, THANK YOU. WE HAVE JACQUELINE AYER ONLINE. JACQUELINE, PLEASE UNMUTE YOURSELF AND STATE YOUR NAME FOR THE RECORD YOU HAVE TWO MINUTES.

JACQUELINE AYER: YES, MY NAME IS JACQUELINE AYER, CAN YOU HEAR ME?

ELIDA LUNA: YES.

JACQUELINE AYER: MY NAME IS JACQUELINE AYER, AND I'M SPEAKING TODAY ON BEHALF OF SAVE OUR RURAL TOWN. SORT SENT THE COMMENTS YESTERDAY BEFORE 5PM THAT MS CHOI REFERRED TO, NOT THE ACTON TOWN COUNCIL. I'M A PRACTICING ENGINEER WITH A MASTER'S DEGREE IN MECHANICAL ENGINEERING FROM BERKELEY AND MORE THAN 40 YEARS OF EXPERIENCE. THE NOISE IMPACT ANALYSIS APPLIES THE WRONG 75 DBA NOISE STANDARD TO INCORRECTLY CLAIM THE PROJECT POSES NO SIGNIFICANT NOISE IMPACTS. THE 75 DBA STANDARD ONLY APPLIES TO CONSTRUCTION PROJECTS THAT LAST 10 DAYS OR LESS, THIS PROJECT WILL GO ON FOR MONTHS, SO THE MORE STRINGENT 60 DBA STANDARD APPLIES AND THE PROJECT VIOLATES IT. THE CONSULTANT ALSO INCORRECTLY APPLIED A TRANSPORTATION SYSTEM METHODOLOGY THAT ASSUMES ALL THE NOISE INSULTS WILL OCCUR IN THE CENTER OF THE PROJECT, INSTEAD OF WHERE THEY WILL ACTUALLY OCCUR. THAT IS IN VIOLATION OF OUR CODE. WORSE YET, THE CONSULTANT FAILED TO REPORT ACTUAL NOISE LEVELS AS REQUIRED BY CHAPTER 12.08 OF THE CODE, AND INSTEAD, IMPROPERLY AVERAGED ALL NOISE LEVELS TOGETHER, WHICH MASKS ACTUAL NOISE LEVELS. THE ENTIRE NOISE ANALYSIS IS SUBSTANDARD, AND IT'S PROBLEMATIC, AND THE PROJECT WILL HAVE SIGNIFICANT NOISE IMPACTS. THE INITIAL STUDY DOES NOT EVEN MENTION THE PUBLIC SAFETY RISKS POSED BY THE BESS WHICH USES LITHIUM BATTERY CHEMISTRIES AND WILL BE PRONE TO DEFLAGRATION AND TOXIC RELEASE. THIS IS A PROBLEM BECAUSE THE PROJECT IS IN A VERY HIGH FIRE HAZARD ZONE, EVEN THOUGH THE INITIAL STUDY SAYS IT'S NOT. THAT'S INCORRECT. THE RESIDENTS IN THE AREA WHO REVIEWED AND COMMENTED ON THE INITIAL STUDY WERE NEVER INFORMED OF THE DANGER BECAUSE IT WAS IGNORED. SO, THEY

WERE DEPRIVED OF THE OPPORTUNITY TO COMMENT. ALSO, A 10,000 GALLON WATER TANK IS NOT ENOUGH TO FIGHT OFF A BESS FIRE. ZONING IS A PROBLEM. THE SOLAR FARM AND BESS WILL BOTH BE ACCESSORY USES TO THE EXISTING RESIDENTIAL USE. SO, NEITHER THE SOLAR FARM OR THE BESS ARE EVEN ALLOWED BECAUSE THE CODE DOES NOT PERMIT SOLAR FARMS, AND IT ACTUALLY PROHIBITS BATTERY STORAGE FACILITIES ON AG ZONES. IT'S WHAT THE CODE SAYS. THERE IS NO SUBSTATION 700 FEET AWAY. THE CLOSEST SUBSTATION IS TWO MILES. SO THAT'S WRONG IN THE PACKAGE. AND ALSO, AVEK IS NOT A PURVEYOR. I CONFIRMED WITH AVEK. THEY DO NOT KNOW THIS PROJECT. THEY ARE NOT SELLING WATER TO THIS PROJECT. THIS PROJECT ISN'T EVEN IN THEIR DISTRICT. ALL RIGHT, THEY'RE NOT ANNEXED IN. SO, THEY'RE NOT GETTING WATER FROM AVEK. THERE ARE A LOT OF OTHER PROBLEMS, BUT I SEE I'M OUT OF TIME.

COMMISSIONER LOUIE: MA'AM, MA'AM. OH, WAS THAT THE END OF YOUR COMMENTS?

JACQUELINE AYER: YES.

COMMISSIONER LOUIE: YES. YES.

ELIDA LUNA: THANK, THANK YOU. JOSE CENTENO, PLEASE STATE YOUR NAME FOR THE RECORD.

JOSE CENTENO: THERE WE GO. HI. THIS JOSE CENTENO FROM THE ASSOCIATION OF RURAL TOWN COUNCILS, AND MY COMMENT IS, FIRST IS TO AGREE WITH THE COMMENTS MADE BY JACKI AYER ON THE WRITTEN COMMENTS THAT SHE PROVIDED YESTERDAY, AS WELL AS A BIG CONCERN FOR THE BATTERY STORAGE SYSTEM. AND THE ISSUE BEING THAT THIS SHOULD REQUIRE A SOUND CHANGE. AND

OBVIOUSLY, WITH THE ANTELOPE AREA PLAN, ENVELOPE AREA, A ZONE CHANGE IS MEANT TO BENEFIT THE COMMUNITY, AND THIS PROJECT DOES NOT DIRECTLY BENEFIT THE COMMUNITY.

UM, I GUESS THE BIGGEST CONCERN IS THAT THE RESIDENTS, IF THEY HAD KNOWN THAT THERE'S A BATTERY STORAGE SYSTEM COMING THERE, THERE WOULD HAVE BEEN A LOT MORE CONCERN, BECAUSE LITHIUM BATTERIES ARE VERY VOLATILE. IF THEY CATCH FIRE, THEY CANNOT BE PUT OUT. THE FIRE DEPARTMENT RESPONSE FROM THAT AREA IS NOT GREAT BECAUSE THEY DON'T HAVE ENOUGH RESOURCES TO, ONE IS TO GET THERE ON TIME, AND THE ABILITY TO PUT OUT SUCH KIND OF FIRE. THE OTHER PART IS, WHEN YOU LOOK AT THE LAYOUT OF THIS PROJECT, IT'S COMPLETELY DESIGNED IN THE WRONG WAY, BECAUSE THE BATTERY STORAGE IS SO CLOSE TO THE ADJOINING PROPERTY. AND THAT IS, IT SHOULD BE AWAY FROM IT, BECAUSE IF A FIRE HAPPENS, IT WILL DIRECTLY, IT POSES A BIG, A BIG THREAT TO THE NEIGHBORING PROPERTY. OBVIOUSLY, THAT PARTICULAR NEIGHBORING PROPERTY CATCHING ON FIRE. IT SHOULD BE PLACED ELSEWHERE. IT COULD BE THE CENTER OR SOMEWHERE ELSE? I THINK THERE'S NEEDS TO BE, UM THERE NEEDS TO BE SOMETHING THAT, YEAH, JUST THE LAYOUT NEEDS TO BE REVISED IN A WAY TO MAKE IT SAFER. AND OBVIOUSLY, IN GENERAL, IT'S JUST A PROJECT THAT SHOULD NOT BE APPROVED AS IS. THANK YOU SO MUCH.

ELIDA LUNA: THANK YOU. THERE ARE NO ADDITIONAL SPEAKERS.

COMMISSIONER LOUIE: THANK YOU VERY MUCH. APPLICANT, YOU'VE GOT 10 MINUTES TO RESPOND TO SOME OF THE ISSUES THAT WERE RAISED.

ELIDA LUNA: AGAIN, PLEASE STATE YOUR NAME FOR THE RECORD.

RYAN NYBERG: MY NAME IS RYAN NYBERG.

JESSIE FAN: MY NAME IS JESSE FAN.

RYAN NYBERG: SO, FIRST OFF, RELATED TO MS. TOPOR'S COMMENTS, WE PROVIDED VIA EMAIL OWNERSHIP OF THE COMPANIES. THE PROJECT IS OWNED BY AN ENTITY RPCA SOLAR 12 LLC AND RENEWABLE PROPERTIES AS A PARENT COMPANY TO THAT PROJECT OR THAT ENTITY. APOLOGIES. VALLEY FEVER CONCERNS. VALLEY FEVER IS REGULATED BY DEPARTMENT OF PUBLIC HEALTH IN LA COUNTY, AS WELL AS THE AIR QUALITY DISTRICT. AS STATED PREVIOUSLY, THERE'S A DUST CONTROL PLAN THAT HELPS TO ADDRESS DUST CONCERNS. AND AGAIN, THAT'S A ROBUST PROCESS THAT'S HANDLED AT THE AIR QUALITY AND DEPARTMENT HEALTH DISTRICT AS PART OF THE PROJECT.

UM, TO CLARIFY, THIS PROJECT DOES NOT CONNECT DIRECTLY TO A SUBSTATION ON SITE. IT CONNECTS TO THE EXISTING ELECTRICAL GRID, WHICH IS A DISTRIBUTION LINE AT THE SOUTHWEST CORNER, WHICH DOES ULTIMATELY FEED INTO A SUBSTATION, BUT THERE IS NO DIRECT SUBSTATION CONNECTION ON SITE.

AND LASTLY, AS. AS NOTED IN MY PRESENTATION EARLIER, THE PROJECT DOES PROVIDE BENEFITS TO THE LOCAL COMMUNITY. IT FEEDS INTO A COMMUNITY SOLAR PROGRAM THROUGH SCE AS WELL AS WORKING TO INCREASE GRID RELIABILITY AND RESILIENCE AND WORK TOWARDS CLEAN, CLEAN ENERGY GOALS, AS WELL AS REDUCING GREENHOUSE EMISSIONS THROUGHOUT THE COUNTY. FOR THE NOISE CONCERNS, I'LL TURN IT OVER TO JESSE.

JESSIE FAN: HI. GOOD MORNING, EVERYONE. MY NAME IS JESSE. I'M WITH KIMLEY HORN, THE CEQA CONSULTANT FOR THIS PROJECT. WE DID WANT TO NOTE SOME OF THE NOISE CONCERNS THAT WE HEARD FROM THE COMMENTER.

SO, THE IS/MND AND THE TECHNICAL NOISE ANALYSIS THAT WAS PROVIDED IN THE INITIAL STUDY CITE TO COUNTY CODE SECTION 12.08.440, REGARDING CONSTRUCTION NOISE. THIS SECTION CONTAINS THE APPROPRIATE STANDARDS FOR CONSTRUCTION ACTIVITY, WHICH IS THE 75 DBA STANDARD, BECAUSE THE ANALYSIS OF THE MOBILE CONSTRUCTION EQUIPMENT (SO, EQUIPMENT THAT WOULD MOVE AROUND THE SITE, ANY TRACTORS OR EXCAVATORS) THOSE WOULD BE WHAT IS APPROPRIATELY USED.

THE SECTION THAT WAS PREVIOUSLY CITED IS RELATED TO STATIONARY NOISE SOURCES THAT ARE FIXED OR MOTIONLESS, SUCH AS PUMPS, FANS, COMPRESSORS OR AIR CONDITIONERS OR REFRIGERATION. SO THAT IS NOT THE APPROPRIATE STANDARD THAT SHOULD BE MENTIONED AND UTILIZED IN THE ANALYSIS. SO, THE CEQA ANALYSIS AND THE NOISE ANALYSIS DO USE THE APPROPRIATE CONSTRUCTION NOISE STANDARD THAT IS CITED IN THE COUNTY CODE.

ADDITIONALLY, THE COUNTY DOES NOT INCLUDE SPECIFIC NOISE LIMITS FOR LONGER TERM OPERATION OF MOBILE EQUIPMENT. SO, THIS POLICY AND PRACTICE IN THE COUNTY IS STANDARD TO USE THE 75 DBA LIMITS.

A LOT OF THIS ANALYSIS WAS ALSO CONFIRMED AND REVIEWED BY THE DEPARTMENT OF PUBLIC HEALTH, AS MENTIONED IN SOYEON’S PRESENTATION EARLIER. REGARDING THE USE OF THE FEDERAL TRANSIT ADMINISTRATION METHODOLOGIES, THERE IS A SPECIFIC TRANSIT NOISE AND VIBRATION IMPACT ASSESSMENT MANUAL THAT IS USED IN PRACTICE BY ALL NOISE PRACTITIONERS.

CONSTRUCTION EQUIPMENT, BECAUSE IT DOES MOVE AROUND THE PROJECT SITE THROUGHOUT THE CONSTRUCTION DAY, WE DO HAVE TO MAKE SURE THAT WE AVERAGE THE NOISE ACROSS THE ENTIRE SITE. THEREFORE, PER THE MANUAL, THEIR REQUEST AND INSTRUCTION IS TO AVERAGE IT AND TO UTILIZE THE CENTER OF THE SITE AS TO WHERE THE NOISE SHOULD BE CONDUCTED FOR THE ANALYSIS. ADDITIONALLY, NOISE REFERENCE LEVELS WERE UTILIZED AND BORROWED FROM CALTRANS AND OTHER ROAD CONSTRUCTION NOISE MODELS AND THE SUPPLEMENT, AND THIS IS ALL APPROPRIATE METHODOLOGY THAT WAS REVIEWED AND APPROVED BY THE DEPARTMENT OF PUBLIC HEALTH.

COMMISSIONER LOUIE: YEAH, THANK YOU VERY MUCH. ANY ADDITIONAL COMMENTS?

RYAN NYBERG: NO.

COMMISSIONER MOON: I HAVE A QUESTION.

COMMISSIONER LOUIE: PLEASE.

COMMISSIONER MOON: WHAT'S THE POPULATION OF THAT COMMUNITY?

RYAN NYBERG: THE NEENACH COMMUNITY?

COMMISSIONER MOON: YES.

RYAN NYBERG: I DO NOT KNOW.

COMMISSIONER MOON: DID YOU DO COMMUNITY OUTREACH TO THE COMMUNITY?

RYAN NYBERG: UH, THE DIRECT NEIGHBORS? ONE IS OUR UH, THE OWNER WHO WE'RE LEASING THE PROPERTY FROM. AND THEN THERE'S TWO DIRECT NEIGHBORS. AND WE DID REACH OUT TO MS. TOPOR. YES.

COMMISSIONER MOON: THE OWNER AND TWO NEIGHBORS?

RYAN NYBERG: YES.

COMMISSIONER MOON: WHAT'S THE POPULATION OF THE COMMUNITY?

RYAN NYBERG: ABOUT 800

COMMISSIONER MOON: 800. MM. ALRIGHT. AND NO FURTHER QUESTION.

COMMISSIONER HASTINGS: MR CHAIR

COMMISSIONER LOUIE: PLEASE.

COMMISSIONER HASTINGS: I HAVE A QUESTION ON THE QUESTION ABOUT THE 10,000 GALLON WATER TOWER NOT BEING SUFFICIENT. AND WITH THE LITHIUM BATTERIES, WE'VE ALL SEEN WHAT HAPPENS WITH THESE LITHIUM BATTERIES. WHAT OTHER ALTERNATIVES ARE THERE IN PUTTING OUT THESE FIRES IF WATER DOESN'T SEEM TO BE THE SOLUTION?

MR. NYBERG: WELL, BESS SYSTEMS ARE EQUIPPED WITH FIRE SUPPRESSION SYSTEMS WITHIN THE UNITS TO HELP REGULATE TEMPERATURE IF THERE WAS THE START OF THERMAL RUNAWAY. BUT THE UNITS GO THROUGH RIGOROUS UL TESTING, FIRE CODE TESTING, AND THERE'S STRINGENT STANDARDS ON THE INSTALLATION OF THESE SYSTEMS TO HELP PREVENT THOSE FROM OCCURRING. BUT FIRE EXPERTS WILL SAY THAT THE APPROACH IS A DEFENSIVE APPROACH TO PROTECT THE SURROUNDING AREAS, VERSUS APPLYING WATER DIRECTLY TO THE CONTAINERS THEMSELVES.

COMMISSIONER HASTINGS: WELL, BECAUSE YOU'RE IN THAT BUSINESS, AND I'M NOT, UM, WHAT DOES THAT MEAN? IN OTHER WORDS, IF A FIRE STARTS WITH A LITHIUM BATTERY STORAGE FACILITY, HOW DO YOU PUT IT OUT?

MR. NYBURG: YEAH, IT, IT BURNS, BUT THEIR APPROACH, THE DEFENSIVE APPROACH, IS PROTECTING THE SURROUNDING AREA, WHEREAS AN ACTIVE APPROACH WOULD BE DOUSING THE ACTUAL ACTIVE FLAMES.

COMMISSIONER HASTINGS: SO, IF IT DOES CATCH FIRE, THE FUMES FROM THAT, SMOKE FROM THAT, IT JUST BURNS.

MR. NYBURG: IT DOES BURN. YES, CORRECT, BUT THE BATTERIES ARE A LITHIUM IRON PHOSPHATE COMPOSITION WHERE THERE'S NO HAZARDOUS MATERIALS IN THAT COMPOSITION, WHICH IS NOT THE CASE IN NEWS ARTICLES ABOUT MOSS LANDING. THAT WAS A DIFFERENT BATTERY COMPOSITION THAT CONTAINED HAZARDOUS MATERIALS WITHIN THAT.

COMMISSIONER HASTINGS: OKAY. AND THE… WHEN WE LOOKED AT THE DIAGRAMS, THE PROPERTY THAT IS ON THE 40 ACRES, THAT IS NOT THIS YOUNG LADY'S PROPERTY, THAT IS THE OWNER OF THE PROPERTY'S RESIDENCE?

MR NYBURG: CORRECT. MR. BANDANO.

COMMISSIONER HASTINGS: OKAY. UM… IS THERE A POSSIBILITY OF MOVING THE STORAGE OF THE BATTERIES SOMEWHERE FURTHER FROM THE RESIDENCE, AS PER ONE OF THE CALLERS?

MR. NYBURG: YEAH, I THINK THAT'S SOMETHING WE COULD LOOK AT, IF IT WAS CONDITIONED OF THE LOCATION ON WHERE THE BATTERIES ARE.

COMMISSIONER HASTINGS: RIGHT. SO, IF STAFF CAN PLEASE TAKE A NOTE OF THAT TO FOLLOW UP ON THAT. THANK YOU, MR. CHAIR.

COMMISSIONER DUARTE-WHITE: SO, MY QUESTION IS TO STAFF. MY QUESTION IS TO STAFF WITH REGARD TO THE DISCUSSION OF BATTERY AND BATTERY STORAGE, I TOO, WAS CONCERNED ABOUT PLACEMENT AND, AND I GUESS ONE OF THE COMMENTS THAT WAS MADE INDICATED THAT A ZONE CHANGE WAS IN ORDER. CAN YOU CLARIFY THAT A LITTLE BIT AND TALK TO US ABOUT THE PLACEMENT OF THE STORAGE.

SOYEON CHOI: SURE. SO, AS I STATED DURING MY PRESENTATION, THE BESS IS CONSIDERED AN ACCESSORY USE TO THE PROPOSED UTILITY SCALE SOLAR PROJECT. SO, THE UTILITY SCALE, UG THE SOLAR FACILITY IS CONSIDERED PRINCIPAL USE, WHICH REQUIRES A CUP IN THE ZONE A2 AND THE BATTERY STORAGE SUPPORTS AND BECOMES ACCESSORY TO THE SOLAR ENERGY GENERATING FACILITY. AS AN ACCESSORY, IT'S CONSIDERED AS PART OF THE PROJECT, AND THAT'S WHY IT'S UH WE, WE ARE AUTHORIZING IT, YOU KNOW, THROUGH THE CUP WITH THE SOLAR. HOWEVER, IF IT WERE A STANDALONE USE, PROPOSED, IT WOULD STILL REQUIRE A CUP IN THE ZONE, PER OUR CURRENT POLICY, AS IT'S CONSIDERED SIMILAR TO THE ELECTRICAL SUBSTATION, DISTRIBUTION SUBSTATION, WHICH CURRENTLY REQUIRES A CUP IN A2 ZONE.

COMMISSIONER DUARTE-WHITE: AND WITH THE PLACEMENT OF THE BATTERY STORAGE, IS THAT… I TOO SHARE SOME CONCERNS WITH REGARD TO… IS, IS THERE NEGOTIATIONS OR ROOM TO PLACE IT ELSEWHERE, FURTHER AWAY FROM…

SAM DEA (?): I THINK THE APPLICANT COULD TOUCH ON THAT. OBVIOUSLY, THE BATTERY STORAGE LOCATION IS NOT ABSOLUTE, SO THEY CAN CERTAINLY RELOCATE IT WITHIN THE SAME PROJECT SITE.

COMMISSIONER DUARTE-WHITE: OKAY. THANK YOU

COMMISSIONER LOUIE: ALL RIGHT. THANK YOU VERY MUCH.

RYAN NYBERG: THANK YOU.

COMMISSIONER LOUIE: THERE ARE NO SPEAKERS, PUBLIC SPEAKERS. WE'LL CLOSE THE PUBLIC HEARING, AND NOW WE'RE OPEN TO DISCUSSION FROM THE COMMISSION.

COMMISSIONER HASTINGS: MR. CHAIR.

COMMISSIONER LOUIE: PLEASE.

COMMISSIONER HASTINGS: IF I MIGHT ASK A QUESTION OF STAFF, THE LADY THAT SPOKE HERE, HOW FAR IS HER RESIDENCE FROM THIS PROJECT, PLEASE. MEANING HER HOUSE. I MEAN, SHE MIGHT BE ON 40 ACRES, BUT HOW FAR IS THE RESIDENCE, PLEASE?

SOYEON CHOI: SO APPROXIMATELY 300 FEET, MEASURING FROM THE PROPERTY LINES, FROM THE PROJECT SITE BOUNDARIES, TO HER PROPERTY BOUNDARIES.

COMMISSIONER HASTINGS: OKAY, PROPERTY BOUNDARIES VERSUS THE HOUSING; IS IT STILL WITHIN THE 300 FEET?

SOYEON CHOI: IT WOULD BE A LITTLE MORE THAN 300 FEET. I THINK IT'S PROBABLY ON OR ABOUT 500 FEET.

COMMISSIONER HASTINGS: OKAY, THANK YOU. FIRST OF ALL, THE STAFF REPORT WAS EXTREMELY EDUCATIONAL, TO SAY THE LEAST. THE QUESTION THAT I HAVE IS WE LOOKED INTO THE AMERICAN BADGER, THE CROTCH BUMBLEBEE, WE LOOKED AT EVERYTHING THAT THAT WAS VERY IMPORTANT TO SUPPOSEDLY, OUR RENEWABLE ENERGY GOALS. BUT I DIDN'T SEE ANYTHING MENTIONED, AND I MAY HAVE MISSED IT… I DID READ THE STAFF REPORT. I MEANT, BUT THE HEAT ISLAND, ISLAND POTENTIAL OF THE RESIDENT THAT IS IMMEDIATELY ON THE PROPERTY, AND ALSO THE LADY WHO IS THE ADJACENT PROPERTY OWNER, IS THERE A STUDY THAT'S DONE ON HEAT ISLANDS FOR PEOPLE THAT LIVE IN IMMEDIATE AREAS?

SAM DEA(?): I THINK WE HAD LOOKED AT THIS ISSUES IN PREVIOUS SOLAR PROJECTS BEFORE, AND WE DID LOOK AT SOME OF THE STUDIES THAT'S

AVAILABLE. I THINK LOT OF THOSE STUDY THAT CITED ARE NOT CONTEXT SPECIFIC TO THIS LOCATION. WHEN WE DID LOOK AT WHETHER OR NOT IT'S COMPLIANCE WITH CEQA THRESHOLD. SO I DON'T NECESSARILY THINK THE CURRENT CEQA THRESHOLD SPECIFICALLY REQUIRES TO LOOK AT THE HEAT ISLAND EFFECT, BUT HOWEVER, LOOKING AT THE SITE, IT IS, YOU KNOW, THERE IS REFLECTIONS FROM THE PANELS, BUT IT DOESN'T SEEM LIKE THE TYPE OF TECHNOLOGY, THE TYPE OF SOLAR TECHNOLOGY THAT'S AVAILABLE, WOULD GENERATE AND CAUSE AN ELEVATED AVERAGE TEMPERATURE, OR WHATEVER THE TEMPERATURE MEASUREMENT IS AT THIS LOCATION, THAT WARRANTS A FURTHER ANALYSIS THROUGH THE CEQA DOCUMENT.

COMMISSIONER HASTINGS: HAS THAT… MR. CHAIR IF I MAY, HAS THAT CHANGED? BECAUSE I REMEMBER WE DID SOLAR ISLANDS OR SOLAR PROJECTS IN THE PAST THAT DIDN'T HAVE BATTERY STORAGE, BUT THE SOLAR EFFECT, WE WERE FRYING SQUIRRELS AND WE WERE FRYING BIRDS, AND NOW WE'RE TALKING ABOUT HUMANS THAT ARE CLOSE BY, AND AGAIN, STAFF DID A GREAT JOB ANALYZING EVERY ANIMAL AND BUG IN THE NEIGHBORHOOD, BUT I'M A LITTLE CONCERNED ABOUT THE PEOPLE.

SAM DEA(?): I THINK IT REALLY DEPENDS ON THE TECHNOLOGY. AND I THINK SOME OF THE HEAT ISLAND EFFECT, OR THE ISSUE WITH WILDLIFE FROM THE REFLECTION OF THE HEAT IS IT HAS TO DO WITH THE TYPE OF SOLAR TECHNOLOGY. SO, IN THIS CASE, THESE ARE PHOTOVOLTAIC SIMILAR THE ONES THAT YOU'VE SEEN ARE SORT OF REFLECTION, WHERE GENERATE HEATS TO HEAT TO GENERATE ENERGY TO THEN TURN INTO ELECTRICITY. SO THOSE ARE SOME OF THE THINGS THAT HAVE BEEN IDENTIFIED. THEY HAVE, YOU KNOW, ISSUES AND

IMPACTS FROM THE HEAT GENERATING. HOWEVER, LOOKING AT PHOTOVOLTAIC AND LOOKING AT OTHER PROJECTS WE HAVE, AND OTHER PROJECTS THAT'S ALREADY DEVELOPED IN THE AREA, THERE'S, THERE'S NO INDICATION OR REPORT OR STUDY OR EVIDENCE SHOWING THAT THERE IS A, YOU KNOW, LONG TERM OR ELEVATED TEMPERATURE INCREASE FROM DEVELOPMENTS, OBVIOUSLY, ANYTIME YOU DEVELOP A SITE, IT CHANGE THE CHARACTERISTIC. SO, FOR EXAMPLE, IF YOU BUILD HOUSE, BUILD COMMERCIAL BUILDING, IT CAUSE INFLECTION OF IT, WHETHER OR NOT THAT CHANGE THE AMBIENT TEMPERATURE. THAT'S, THAT'S NOT SOMETHING THAT WE HAVE, WE'RE AWARE OF, THAT WE HAVEN'T SEEN. YOU KNOW, CONCRETE STUDY THAT SHOWS THAT THESE TYPE OF, YOU KNOW, PHOTOVOLTAIC FACILITY DOES, IN FACT, HAS THESE, YOU KNOW, IMPACTS FROM AN ELEVATED TEMPERATURE CHANGE.

COMMISSIONER HASTINGS: SO BASICALLY, IN SUMMARY, TECHNOLOGY HAS CHANGED TO WHERE JUST A FEW YEARS AGO WE TALKED ABOUT 3, 4, 5, TO 15 DEGREE INCREASES THAT WERE IMMEDIATELY SURROUNDING THESE SOLAR FARMS. BUT YOU'RE SAYING NOW THE NEW TECHNOLOGY HAS BROUGHT THAT DOWN.

SAM DEA(?): WHAT I'M SAYING IS THAT SOME OF THE EXAMPLE THAT'S CITED IN THESE ARE NOT NECESSARILY THE SAME TECHNOLOGY PHOTOVOLTAIC. THERE MAY BE SOME OF THESE REFLECTION TYPE OF SOLAR TECHNOLOGY THAT WE'VE SEEN, WHICH IS NOT SOMETHING THAT'S ALLOWED IN THE COUNTY'S ORDINANCE.

COMMISSIONER HASTINGS: OKAY

COMMISSIONER LOUIE: JUST FOR CLARIFICATION, WHEN, WHEN I'M THINKING IN TERMS OF HEAT ISLAND, I'M THINKING OF SOME OF THE PROJECTS THAT REFLECT THE SUNLIGHT INTO A CERTAIN AREA DEVELOPS HEAT, WHICH CREATES

STEAM, WHICH GENERATES ELECTRICITY, WHICH IS DIFFERENT THAN THIS PHOTO, ELECTRIC SUN, SOLAR PANELS. THAT'S A DISTINCTION.

SAM DEA(?): THAT'S, THAT'S CORRECT, AND I THINK MAYBE THE APPLICANTS CERTAINLY HAVE INFORMATION

COMMISSIONER HASTINGS: GOOD ANSWER, MR. STAFF, EXACTLY.

COMMISSIONER LOUIE: THANK YOU. I'M SORRY, PLEASE.

COMMISSIONER DUARTE WHITE: WOW, ARE YOU ON HIS PAYROLL?

SAM DEA(?): NO.

COMMISSIONER DUARTE WHITE: THAT WAS, THAT WAS PRETTY GOOD. SO, FOLLOWING UP ON MY COLLEAGUES QUESTION. I TOO WAS CONCERNED ABOUT, ABOUT THAT ISSUE, BUT MY COLLEAGUE ASKED, HOW FAR THE HOUSE… CAN YOU GIVE ME YOUR LAST NAME? MISS TOPER'S RESIDENCE. THANK YOU, MRS. TOPERS RESIDENCE IS FROM THE PROPERTY LINE. UM, HOW, HOW FAR OR NEAR ARE HER EQUINE KEPT AND, AND IS THAT A CONCERN? GO AHEAD.

COMMISSIONER LOUIE: IS IT OK TO ASK HER THAT QUESTION.

COMMISSIONER DUARTE WHITE: NO, NOT HER

COMMISSIONER LOUIE: CAN WE CALL HER BACK AGAIN? YES, GO AHEAD

COMMISSIONER DUARTE WHITE: I KIND OF, OK THANK YOU.

SAM DEA(?): WELL, I THINK THERE ARE CONCERNS STATED WITH THE HORSES ARE, ARE THE WORKERS AND PEOPLE WHO ARE WORKING ON SITE.

COMMISSIONER DUARTE WHITE: YEAH, AND I HEARD THAT CONCERN. I, I ACTUALLY WANTED TO KNOW ABOUT BOUNDARIES AND WHERE PLACEMENT, HOW FAR ARE HER STABLES FROM THIS PROPERTY LINE? HOW FAR IS HER, MRS. TOPOR'S RESIDENCE FROM THIS PROJECTS?

SAM DEA(?): I, IF SHE COULD PROVIDE AN ADDRESS TO HER AT, TO HER PROPERTY. WE COULD CERTAINLY LOOK INTO THAT, BUT I THINK IT'S THE CLOSEST PROPERTY. THE CLOSEST HOME TO THIS LOCATION IS APPROXIMATELY 300 TO 400 FEET AWAY.

COMMISSIONER MOON: CAN I ASK HER TO COME BACK AGAIN? I WANT TO ANSWER THAT.

COUNTY COUNSEL: THE COMMISSION WOULD LIKE TO REOPEN THE PUBLIC HEARING FOR THE LIMITED PURPOSE OF MS. TOPOR ANSWERING THAT SPECIFIC QUESTION. THAT'S FINE.

COMMISSIONER LOUIE: MY COLLEAGUES, SO LET'S DO IT. LET'S DO IT. REOPEN THE PUBLIC HEARING. AND MA'AM, IF YOU COULD STEP TO THE MICROPHONE, PLEASE.

ELIDA LUNA: PLEASE STATE YOUR NAME FOR THE RECORD.

ELIZABETH TOPOR: ELIZABETH TOPOR,

COMMISSIONER LOUIE: WELCOME BACK. COMMISSIONER MOON HAD A QUESTION ABOUT YOUR PROPERTY LINE, WHICH SHE WAS ASKING. CAN YOU ADDRESS THAT PLEASE.

ELIZABETH TOPOR: OKAY, MY HORSES GO RIGHT UP TO THE EXISTING FENCE WHERE THE SOLAR PROJECT WILL BE. I THINK THEY SAID THEY MIGHT HAVE A 10 FOOT BUFFER BETWEEN MY FENCE WHERE THE HORSES CAN PHYSICALLY TOUCH AND WHERE THEY'RE GOING TO START THE PROJECT. IF I READ THAT IN THE PAPERS, RIGHT, IT WAS LIKE A 10 FOOT BUFFER.

COMMISSIONER MOON: HOW FAR IS THE HOUSER FROM THAT PROPERTY LINE?

ELIZABETH TOPOR: I HAVE A BARN, BIG, HUGE HORSE BARN. I DON'T KNOW AS IN FOOTAGE. I MEAN, I CAN WALK FROM MY BACK GATE TO MY NEIGHBOR'S PROPERTY IN THREE MINUTES. THEY WOULD HAVE TO… WE'D HAVE TO MEASURE THAT OUT TO SEE, BUT I WALK ALL OVER THAT PROPERTY TO GO FEED THE HORSES IN THE PASTURE. SO, YES, I DON'T KNOW, YOU KNOW, BECAUSE THEY HAVE THE BARN, AND THEN THE HOUSE IS IN FRONT OF THE BARN.

COMMISSIONER LOUIE: THANK YOU VERY MUCH.

COMMISSIONER LOUIE: WELL, WE, WHILE WE HAVE THE PUBLIC HEARING, IT'S POSSIBLE THAT THE APPLICANT MIGHT BE ABLE TO ANSWER THAT QUESTION, AND MAYBE STAFF CAN TAKE A QUICK LOOK FROM A GOOGLE MAP AND HOW FAR THAT MIGHT BE.

RYAN NYBERG: YEAH, SO PROJECT FENCING WOULD BE ABOUT 15 FEET OFF OF THE SHARED PROPERTY LINE, AND THEN FROM THERE, THERE'S AN ACCESS ROAD, AND THE NEAREST PANEL ITSELF IS ABOUT 60 FEET. IT MAY BE A LITTLE BIT MORE, BUT IT'S, IT IS SET BACK FROM THE SHARED PROPERTY LINE.

COMMISSIONER LOUIE: THANK YOU, MR. SANDER, ANSWER YOUR QUESTION, YEAH, AND ASK THAT QUESTION.

COMMISSIONER HASTINGS: SO, IN OTHER WORDS, THERE'S A 10 FOOT BUFFER, THEN THERE'S THE ACCESS ROAD, AND THEN YOU'VE GOT 60 FEET BEFORE THE PANELS?

RYAN NYBERG: IT'S ABOUT 60 FROM THE PROPERTY LINE. SO, BUT YEAH, I THINK THAT IF I'M FOLLOWING THE MATH, RIGHT

COMMISSIONER HASTINGS: SO, THE PANELS ARE 60 FEET FROM THE PROPERTY...

RYAN NYBERG: THE PROPERTY LINE

COMMISSIONER HASTINGS: RIGHT? YEAH, OKAY

COMMISSIONER DUARTE WHITE: AND THE ACCESS ROAD IS 20 FEET?

RYAN NYBERG: 20 FEET WIDE, YES, BUT THAT'S NOT THE ACCESS ROAD IS NOT ABUT RIGHT UP AGAINST THE BUFFER. IS THERE, RIGHT, RIGHT.

COMMISSIONER DUARTE WHITE: RIGHT OKAY, GOT IT AND GOOD

COMMISSIONER LOUIE: YOU'RE GOOD?

COMMISSIONER DUARTE WHITE: I'M GOOD.

COMMISSIONER HASTINGS: MR. CHAIR.

COMMISSIONER LOUIE: YES, SIR.

COMMISSIONER HASTINGS: IF YOU WANT TO CLOSE THE PUBLIC HEARING…

COMMISSIONER LOUIE: I AM ABOUT TO. I'M GONNA CLOSE THE PUBLIC HEARING AGAIN AND SEEK ANY ADDITIONAL THOUGHTS, QUESTIONS, COMMENTS COMING FROM OUR FELLOW COMMISSIONERS. OKAY, I THINK WE'RE READY FOR A...

COMMISSIONER HASTINGS: MR. CHAIR.

COMMISSIONER LOUIE: YES, SIR.

COMMISSIONER HASTINGS: I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND ADOPT THE MITIGATED NEGATIVE DECLARATION ALONG WITH THE REQUIRED FINDINGS OF FACT, AND ADOPT THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PROJECT PURSUANT TO STATE AND LOCAL SEQUEL GUIDELINES.

ELIDA LUNA: COMMISSIONER DOROTHY WHITE, HOW DO YOU VOTE?

COMMISSIONER DOROTHY WHITE: AYE

ELIDA LUNA: CHAIR LOUIE, HOW DO YOU VOTE

COMMISSIONER LOUIE: AYE.

ELIDA LUNA: COMMISSIONER O'CONNOR, HOW DO YOU VOTE?

COMMISSIONER O'CONNOR: YES.

ELIDA LUNA: COMMISSIONER MOON, HOW DO YOU VOTE?

COMMISSIONER MOON: YES

ELIDA LUNA: COMMISSIONER HASTINGS, HOW DO YOU VOTE?

COMMISSIONER HASTINGS: YES.

ELIDA LUNA: MOTION CARRIES.

COMMISSIONER LOUIE: THANK YOU VERY MUCH.

COMMISSIONER HASTINGS: MR. CHAIR,

COMMISSIONER LOUIE: PLEASE.

COMMISSIONER HASTINGS: I MOVE THE REGIONAL PLANNING COMMISSION APPROVE CONDITIONAL USE PERMIT NUMBER RPPL2023005137, SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

COMMISSIONER LOUIE: MOVED AND SECONDED.

COMMISSIONER DOROTHY WHITE: HOW DO YOU VOTE?

COMMISSIONER DOROTHY WHITE: AYE

ELIDA LUNA: CHAIR LOUIE, HOW DO YOU VOTE

COMMISSIONER LOUIE: AYE.

ELIDA LUNA: COMMISSIONER O'CONNOR, HOW DO YOU VOTE?

COMMISSIONER O'CONNOR: YES.

ELIDA LUNA: COMMISSIONER MOON, HOW DO YOU VOTE?

COMMISSIONER MOON: YES

ELIDA LUNA: COMMISSIONER HASTINGS, HOW DO YOU VOTE?

COMMISSIONER HASTINGS: YES.

ELIDA LUNA: MOTION CARRIES. THE LAST DAY TO FILE AN APPEAL FOR THIS ITEM IS SEPTEMBER 3, 2025.

SUSIE TAE(?): THANK YOU. AND FOR STAFFS EDIFICATION IN THE FINAL CONDITIONS, WE WILL BE ADDING AN ADDITIONAL CONDITION FOR THE RELOCATION OF THE BATTERY ENERGY STORAGE AS FAR AWAY AS FEASIBLE.

COMMISSIONER HASTINGS: ACCEPTED IN THE MOTION.

COMMISSIONER LOUIE: THANK YOU VERY MUCH.

COMMISSIONER LOUIE: ALL RIGHT, WE ARE ON TO GENERAL PUBLIC COMMENT. THIS IS TIME FOR PUBLIC COMMENT ON ITEMS THAT WERE NOT ON OUR AGENDA. DO WE HAVE ANY?

ELIDA LUNA: YES, WE HAVE JACQUELINE AYER. JACQUELINE, PLEASE STATE YOUR NAME FOR THE RECORD. YOU HAVE TWO MINUTES.

JACQUELINE AYER: I WON'T NEED TWO MINUTES AGAIN. THIS IS JACQUELINE AYER WITH SAVE OUR RURAL TOWN. I JUST WANTED TO MAKE SOME COMMENTS ON THE CURRENT LA COUNTY CODE. FIRST OF ALL, SECTION 12.08.440 PERTAINING TO ENVIRONMENTAL PROTECTION, ALSO PERTAINING TO CONSTRUCTION NOISE. IT STATES CATEGORICALLY, AND I QUOTE, FOR MOBILE EQUIPMENT, QUOTE, MAXIMUM NOISE LEVELS FOR NON-SCHEDULED, INTERMITTENT, SHORT TERM OPERATION LESS THAN 10 DAYS OF MOBILE EQUIPMENT. AND THAT IS A 75 DBA STANDARD, BUT IT DOES NOT APPLY TO ANY CONSTRUCTION PROJECTS THAT LAST LONGER THAN 10 DAYS. AND THE REASON FOR THAT IS BECAUSE 75 DBA IS VERY, VERY LOUD, AND SO THE BOARD, THE DECISION MAKERS IN THIS COUNTY, DECIDED THAT CONSTRUCTION PROJECTS CAN EXCEED AND GO TO THAT HIGH LEVEL, BUT ONLY FOR SHORT TERM PROJECTS.

SO, ANY PROJECT THAT LAST MONTHS OR MORE THAN 10 DAYS DOES NOT GET TO TAKE ADVANTAGE OF THAT HIGH STANDARD. I ALSO WANTED TO POINT OUT THAT THERE HAVE BEEN NO ADVANCES IN SOLAR TECHNOLOGY THAT ELIMINATES HEAT ISLAND EFFECTS, SO SOLAR FARMS TODAY ARE JUST AS HOT AS SOLAR FARMS OF FIVE YEARS AGO. FINALLY, I WANT TO POINT OUT THAT SECTION 22.16 OF THE ZONING CODE SAYS IN BLACK AND WHITE, ENERGY STORAGE DEVICES ARE PROHIBITED IN ALL…

COMMISSIONER LOUIE: STOP. PLEASE STOP. COUNTY COUNSEL. THIS IS A TIME FOR PUBLIC COMMENT ON ITEMS NOT PREVIOUSLY ON THE AGENDA. FROM YOUR LISTENING, I KNOW SHE INTRODUCED US ABOUT WANTING TO SIMPLY SPEAK ABOUT THE CODE. DO YOU FIND THAT THIS IS APPROPRIATE FOR THIS TIME?

COUNTY COUNSEL: WELL, CLEARLY THE COMMENTS PERTAIN TO THE ITEM THAT WE JUST HEARD NUMBER SEVEN. HOWEVER, MISS AYERS DID COUCH THE FIRST PART OF HER COMMENT AS A GENERAL COMMENT TO THE CODE SO IT'S NOTED. AND REGARDING HER THOUGHTS ON THE HEAT ISLAND, THEY ARE SPECIFICALLY IN RESPONSE TO A COMMISSIONER'S PREVIOUS QUESTION, THE ITEM HAS BEEN CLOSED, SO THE COMMENT THUS FAR HAS BEEN NOTED. BUT I THINK THAT IF THERE ARE ANY OTHER GENERAL COMMENTS, WE COULD HEAR IT WITH WHATEVER TIME SHE HAD LEFT, I THINK IT WAS 18 SECONDS ON THE CLOCK. OTHERWISE, THE, THIS TIME IS FOR GENERAL PUBLIC COMMENTS.

COMMISSIONER LOUIE: NOTED, NOTED COUNTY COUNSEL, YOU HAD NOTED 18 SECONDS. COMMISSIONER MOON IS SAYING 43. YEAH, I'M GONNA LET HER GO AHEAD AND CONTINUE.

ELIDA LUNA: OKAY. JACQUELINE, YOU HAVE A FEW MORE SECONDS LEFT. GO AHEAD AND COMPLETE YOUR COMMENT. PLEASE. THANK YOU. 43 SECONDS LEFT.

JACQUELINE AYER: I ONLY, I ONLY HAVE TWO MORE SENTENCES, SECTION 22… SECTION 22.16 OF THE ZONING CODE EXPRESSLY PROHIBITS THE PLACEMENT OF ENERGY STORAGE DEVICES AS A PRINCIPAL USE IN ALL AGRICULTURAL ZONES, THEY'RE NOT ALLOWED. AND IT DOES NOT PERMIT ENERGY STORAGE AS AN ACCESSORY USE. THEREFORE, BESS POLICIES DO NOT APPLY IN THE AGRICULTURAL ZONES. THAT'S ALL I WANTED TO POINT OUT. THANK YOU VERY MUCH AND HAVE A GREAT DAY. THANK YOU.

COMMISSIONER LOUIE: HER COMMENTS ARE SO NOTED. WE ARE NOW ON TO ASKING IF MY FELLOW COMMISSIONERS WISH TO CALL BACK A DECISION FROM THE HEARING OFFICERS…

TRANSCRIPT ENDS 1:04:05

ATTACHMENT 2.

SORT'S WRITTEN COMMENTS TO REGIONAL PLANNING WERE SUBMITTED BEFORE THE PLANNING COMMISSION HEARING.

comments on bess/solar project slated for hearing tomorrow

1 message

Save Our Rural Town <sortacton@gmail.com> Tue, Aug 19, 2025 at 4:59 PM
To: schoi@planning.lacounty.gov

Dear Ms. Choi;

I am sitting down to review the hearing package on the hybrid solar/BESS project in Neenach that is slated for consideration tomorrow and see a number of things that are troubling. I do not have a significant amount of time to devote to this project today, but I will attend the hearing tomorrow to try to ask to have these concerns addressed if possible. Here they are in bullet format and in no particular order.

- The hearing package states the generation tie line will connect to a substation that is 675 feet south of the facility on 230th Street West. However, there is no substation at this location and according to SCE system maps, SCE does not claim to have a substation at that location. The closest SCE substation is Neenach which is 2 miles to the east. The Neenach substation is on the Antelope-Bailey subtransmission circuit that CAISO controls and operates. Therefore, the facility appears to be a CAISO power grid resource and not a distribution system resource. The interconnection point must be clarified.

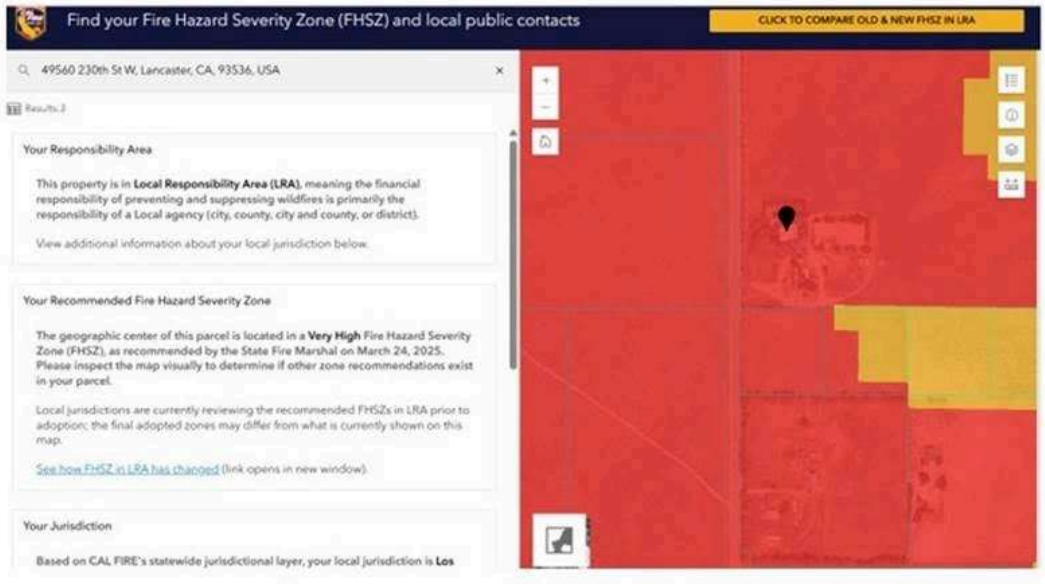
- Given that a CUP is recommended for this project, it appears that Regional Planning has determined that the solar/BESS farm will be the "principal use" on the property. However, there is already a principal use on the property (a home) so the solar/BESS farm is an accessory use on the parcel. The problem is, the zoning code does not permit a utility scale solar farm as an accessory use in any agricultural zone and more importantly, the Zoning Code expressly prohibits "energy storage devices" in all agricultural zones, so none of this appears to comply with the Zoning Code.

- The development includes solar and storage facilities of equal energy capacity (4.99 MW) yet the hearing package indicates that the BESS is an "accessory" to the solar farm. The BESS is not an accessory use; it is a use on par with, and has an identical capacity as, the solar facilities and it can take power from the grid and store it for later dispatch independent of the solar generation facilities. And, because the hearing package does not explain whether the facility is a hybrid facility or a co-located facility, Regional Planning must assume that the BESS and the solar equipment will be capable of operating independently which means that neither is accessory to the other. There is no basis for concluding that the BESS is an accessory use.

- The applicant claims that the project will acquire water from AVEK; however, the property is not in a water district and AVEK does not sell water directly to individuals or residences. Therefore, AVEK will not supply water to the project. The water source must be clearly identified.

- The BESS will deploy lithium batteries which are prone to deflagration and toxic release due to thermal runaway. However, the Hearing Package makes no mention of this fact and completely ignores the public safety risk posed by the BESS operation and the toxic emissions that will result when thermal runaway occurs. Regional Planning is aware of the public safety risks and deflagration potential of BESS devices, but these characteristics are completely ignored by the Initial Study (IS). This omission must be discussed and explained.

- A 10,000 gallon tank is not sufficient to deal with a BESS fire, particularly if the fire occurs during windy conditions which are common in West Antelope Valley. The fact that this project is located in a Very High Fire Hazard Severity Zone makes it even more important that the site provide adequate water resources to fight off a BESS fire. For some reason, page 67 of the IS states that the project is not in a VHFHSZ, but according to the following screenshot of the CALFIRE map taken today, it is:



- The IS states that mobile source construction noise impacts are "less than significant" because the IS incorrectly applies the 75 dBA standard set by Section 12.08.440B which only applies to construction projects that last 10 days or less. Because construction will go on for months, the 75 dBA standard set by Section 12.08.440B does not apply and instead the 45 dBA nighttime and 50 dBA daytime standard applies for residential receptors set by Section 12.08.390.A. Worse yet, the applicant has improperly estimated project noise levels using a "Federal Transit Administration" methodology that assumes all noise emanates from the middle of the project site rather all over the property where the noise will actually be generated. County Noise Standards *do not* allow developers misrepresent actual noise impacts by falsely assuming that all noise is generated from the center of the project. And, when *actual* noise generation characteristics are considered, the project clearly exceeds the 50 dBA standard. In fact, when the grading equipment operating on the edge of the solar/BESS development nearest the on-site residence, the noise will exceed 80 dBA and clearly violate all noise standards. Even worse, the developer fails to report the *actual* construction noise levels will occur (as required by the County Noise Standard) and instead improperly averages all noise levels over an unspecified period of time (probably 8 or 24 hours) and reports them as an "L_{eq}" value; this *masks* the actual noise impacts and reports an average noise level that is much lower than what will actually occur. However, the County Noise

Standard is an *actual* noise standard, not an *average* noise standard and therefore compliance cannot be established by average noise estimates.

- The operational noise impact provided by the developer is even worse. Instead of obtaining actual noise data from the BESS manufacturer, the developer cites to an EIR prepared by Kern County for a solar project years ago which claims that the most significant BESS noise source is the HVAC equipment; this is incorrect. The most significant noise sources of a BESS development is the PCS unit (which typically exceeds 95 dBA) and the BESS itself (which typically exceeds 80 dBA). [See the source data for the BESS units that will be used for the Angeleno project found on the last page here: https://efiling.energy.ca.gov/GetDocument.aspx?tn=264397&DocumentContentId=101237. The developer also claims that the transformer noise will only be 63 dBA, and then points to a NEMA standard without explanation or detail. The project will use a 66 kV transformer that is more likely to generate noise in the 75-80 dBA range. The developer should have provided *actual* noise data pertaining to the actual equipment that will be used and not unrelated data from unrelated projects and standards. Because the developer's noise analysis is not based on real data and instead uses uncorroborated and irrelevant information, its conclusions are not reliable and cannot be used to assess whether operational noise impacts are significant.

Unfortunately, that is all I have time to write for now though I have several other concerns as well. I will try to attend the hearing tomorrow to supplement these comments.

Sincerely;
Jacqueline Ayer, Director
Save Our Rural Town

ATTACHMENT 3.

HEALTH DEPARTMENT LETTER TO REGIONAL PLANNING DATED MAY 15, 2024.

COUNTY OF LOS ANGELES
Public Health

BARBARA FERRER, Ph.D., M.P.H., M.Ed.
Director

MUNTU DAVIS, M.D., M.P.H.
County Health Officer

MEGAN McCLAIRE, M.S.P.H.
Chief Deputy Director

LIZA FRIAS, REHS
Director of Environmental Health

BRENDA LOPEZ, REHS
Assistant Director of Environmental Health

SCOTT ABBOTT, REHS, M.P.A.
Assistant Director of Environmental Health

5050 Commerce Drive
Baldwin Park, California 91706
TEL (626) 430-5374 • FAX (626) 813-3000

www.publichealth.lacounty.gov/eh/

May 15, 2024

TO: Samuel Dea
Supervising Regional Planner
Department of Regional Planning

Attention: Soyeon Choi

FROM: Charlene Contreras
Director, Community Protection Branch
Department of Public Health

SUBJECT: CONDITIONAL USE PERMIT (CUP) REQUEST
CASE: RPPL2023005137
APN: 3278-025-001

Thank you for the opportunity to review the application and project located at the subject property. This applicant requests to install 5 megawatts (MW) ground-mounted commercial solar and a 5 MW accessory battery energy storage system (BESS) facility located on approximately 29 acres of a 40-care parcel at the above location.

☒ Public Health conditions for this project have been met as of the date of this letter. Public Health recommends the clearance of the aforementioned project.

☐ Public Health requires that the conditions or information requested below are addressed prior to agency approval; therefore, the Department **DOES NOT** recommend clearance of this project until the following conditions are met:

1. Drinking Water Program: Potable Water

The project would be unmanned, and no employees would report to the project site daily. Project construction and operation would not utilize water facilities. The project would purchase water from a local purveyor. Water used for solar panel and inverter washing will be trucked in from an offsite source. A 10,000-gallon water tank would be installed for fire department use only.

For questions regarding drinking water, please contact Beverly Tway, Drinking Water Program at (626) 430-5420 or btway@ph.lacounty.gov.

2. Land Use Program: Wastewater

According to the Los Angeles County Sanitary Sewer Network-Consolidated Sewer Maintenance District, there are no sewer lines within 200 feet of the project.

The California Code of Regulations, Tittle 8, Section 8397.4 Health and Sanitation, subsection (d)(2)(A) and Table F-2, only when the employer demonstrate that it is not feasible to provide sewered toilets, or when there is a temporary increase in the number of employees for a short duration of time. “The employer shall abide by the requirement of the provision of portable toilets and proper handwashing facilities. Under this section, portable water, soap or waterless skin cleaning agents, and single-use hand towels must be supplied.”

Applicant must utilize a permitted Toilet Rental Agency Service in Los Angeles County during construction and/or maintenance activities.

For questions regarding wastewater, please contact Xiomara Santana, Land Use Program at (626) 430-5380 or xsantana@ph.lacounty.gov.

3. Community Protection Branch: Environmental Hygiene

Please Note: The following are general requirements for Noise and Air Quality recommendations for the proposed project.

The applicant shall abide by all applicable requirements contained in Title 12, Chapter 12.08 - Noise Control Ordinance of the County of Los Angeles (reference available at municode.com). The sections in Title 12 that apply to this project include but are not limited to 12.08.390 (Exterior Noise Standards), 12.08.440 (Construction Noise) and 12.08.530 (Residential air conditioning or refrigeration equipment).

3.1 Exterior Noise Ordinance:
12.08.390 Exterior Noise Standards

No person shall operate or cause to be operated, any source of sound at any location within the unincorporated county or allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person which causes the noise level, when measured on any other property either incorporated or unincorporated, to exceed any of the following exterior noise standards in Table 1.

Exterior Noise Standards, dBA						
Area	Duration	Std # 1 = L50	Std # 2 = L25	Std # 3 = L8.3	Std # 4 = L1.7	Std # 5 = L0
		30min/hr	15min/hr	5 min/hr	1 min/hr	At no time
Residential	7 am – 10 pm	50	55	60	65	70
	10 pm – 7 am	45	50	55	60	65
Commercial	7 am – 10 pm	60	65	70	75	80
	10 pm – 7 am	55	60	65	70	75
Industrial	Anytime	70	75	80	85	90

Table 1. Std = Standard dB that may not exceed the cumulative period.

3.2 Construction Noise

Ordinance:

12.08.440 Construction Noise

Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work between weekday hours of 7:00 p.m. and 7:00 a.m., or at any time on Sundays or holidays, such that the sound therefrom creates a noise disturbance across a residential or commercial real-property line, except for emergency work of public service utilities or by variance issued by the health officer is prohibited (See Table 2 and 3).

A. Mobile Equipment. Maximum noise levels for nonscheduled, intermittent, short-term operation (less than 10 days) of mobile equipment:

	Single-family Residential	Multi-family Residential	Semi-residential/ Commercial
Daily, except Sundays and legal holidays, 7:00 a.m. to 7:00 p.m.	75 dBA	80 dBA	85 dBA

Table 2. Std = Standard dB that may not exceed.

B. Stationary Equipment. Maximum noise level for repetitively scheduled and relatively long-term operation (periods of 10 days or more) of stationary equipment:

	Single-family Residential	Multi-family Residential	Semi-residential/ Commercial
Daily, except Sundays and legal holidays, 7:00 a.m. to 7:00 p.m.	60 dBA	65 dBA	70 dBA

Table 3. Std = Standard dB that may not exceed.

3.3 Community Noise

Ordinance:

12.08.530 Residential air conditioning or refrigeration equipment

Operating or permitting the operation of any air conditioning or refrigeration equipment in such a manner as to exceed any of the following sound levels is prohibited (See Table 4).

Measuring Location	Units Installed on or after January 1, 1980, dBA
Any point on neighboring property line, 5 feet above grade level, no closer than 3 feet from any wall.	55
Center of neighboring patio, 5 feet above level, no closer than 3 feet from any wall.	50
Outside the neighboring living area window nearest the equipment location, not more than 3 feet from the window opening, but at least 3 feet from any other surface.	50

Table 4. dBA levels not to be exceeded on the neighboring property.

Findings:

The subject site is zoned for residential use and is bordered by West Avenue C 8 to the north, 227th Street W to the east, undeveloped open space, and a residence to the south, and 230th Street W to the west. The immediate southern vacant land was zoned for irrigated farm. The rest of the surrounding lands were zoned for residential and commercial to the south and irrigated farm to the east and west.

Per the applicant, the project site

a) is owned by the onsite resident.
b) is relatively flat; therefore, no substantial grading, import, or export of fill would be required.
c) would consist of constructing solar modules, battery storage, underground electrical conductors, access roads, and fencing.
d) would install approximately 14,000 solar modules manufactured off-site and delivered by truck.
e) modules would be mounted on a steel racking system and anchored with steel piers 8 to 10 feet below ground.
f) battery storage would be comprised in four banks at the southwest corner of the solar panel array. Each bank would be the size of shipping container.
g) access would be provided via a new driveway constructed from 230th Street W. Access roads would encircle the whole array and bisect the site in a west-east orientation.
h) would be enclosed with a six-foot chain link fence topped with one-foot barbed wire.
i) construction to be completed in seven months with activities that include demolition; site preparation (vegetation clearing); grading; paving; system installation, testing and commissioning; and cleanup.

j) operation would be unmanned and operate year-round. No employees would report to the project site daily.
k) operations and maintenance activities, during project operations, include but are not limited to, facility monitoring; administration and reporting; remote operations of inverters, battery storage system and other equipment; repair and maintenance of solar facilities; and periodic panel washing.

On December 28, 2023, noise levels were measured using a sound level meter (Larson Davis Sound Advisor 831C) set to A-weighting (dBA) on 230 Street W shoulder approximately 50 feet north of 49560 230th St W, the project site owner single-family residence, to determine background noise levels. Measuring background noise assists in determining allowable construction or operational noise levels. If background noise exceeds some or all standards, then the background levels become the new standard.

As shown in Table 5 below, the exterior background noise level results exceeded the residential L1.7 and L0 as well as the commercial L0 noise standard. These exceedances were caused by cars/trucks driving on 230th St W. As a result, the L1.7 and L0 background noise level become the exterior noise standards (see highlighted noise level).

Based on the above findings and the noise TECHNICAL MEMORANDUM submitted by the applicant consultant, Kimley-Horn, the subject site construction and operation activities would not have significant noise impact.

Exterior Noise Standards, dBA											
Area Background	Duration	Std # 1 = L50		Std # 2 = L25		Std # 3 = L8.3		Std # 4 = L1.7		Std # 5 = L0	
		30min/hr	Result	15min/hr	Result	5 min/hr	Result	1 min/hr	Result	At no time	Result
Residential	1:47 p.m. – 2:47 p.m.	50	38.5	55	41.7	60	46.3	65	65.9	70	83.1
Commercial	1:47 p.m. – 2:47 p.m.	60	38.5	65	41.7	70	46.3	75	65.9	80	83.1

Table 5. Std = Standard dBA that may not exceed the cumulative period.

3.4 Recommendations

3.4.1 Exterior Noise

Operational noise from the subject site needs to be determined and mitigation measures applied as needed prior to permitting the construction.

Be advised that if the activities listed below or additional activities that may create a noise disturbance occur in the future, care must be exercised to refrain from or minimize

such a noise disturbance so as not to impact the nearest residential properties.

1. Vehicle and equipment start-up and idling.
2. Loading/unloading.
3. Alarms.
4. public address (PA) system.
5. solar panels and equipment washing and maintenance.

3.4.2 Construction Noise

Construction noise needs to be determined and addressed. Noise mitigation measures may need to be applied to reduce construction noise and to comply with Title 12, 12.08.440 – Construction Noise. Noise mitigation strategies may include but are not limited to:

1. All construction equipment shall be equipped with the manufacturers' recommended noise muffling devices, such as mufflers and engine covers. These devices shall be kept in good working condition throughout the construction process.
2. Installation of a temporary sound barrier at the property lines of the proposed project site to mitigate noise impacts on all surrounding properties.
3. All construction equipment shall be properly maintained and tuned to minimize noise emissions.
4. Stationary noise sources (e.g., generators and compressors) shall be located as far from residential receptor locations as is feasible.

3.4.3 Air Quality Recommendation

During grading or excavation activities if applicable, application of dust control measures to minimize fugitive dust is recommended. Fugitive dust

can result in worker and public exposure to fungal spores such as Coccidioides immitis, which can cause Coccidioidomycosis (Valley Fever). Adhere to applicable Air Quality Management District regulations.

For questions regarding above comments, please contact Yonas Taye of Public Health, Environmental Hygiene Program at (626) 430-5201 or ytaye@ph.lacounty.gov.

If you have any other questions or require additional information, please contact Veronica Aranda of Public Health, Planning & Land Use Liaison at (626) 430-5201 or varanda@ph.lacounty.gov.

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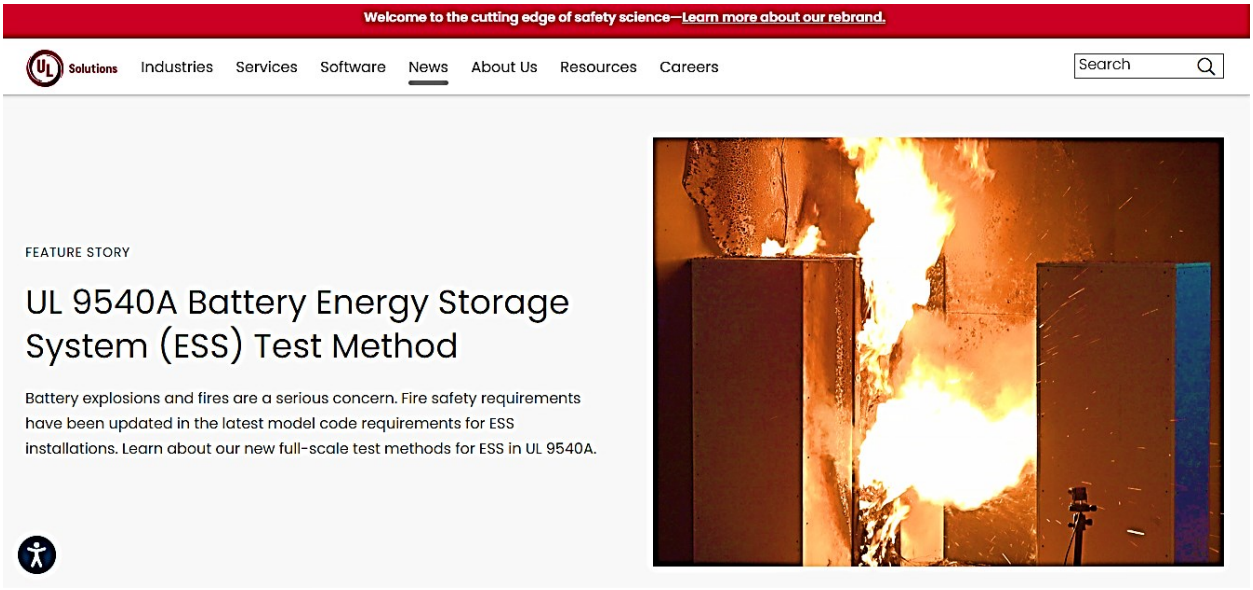
ATTACHMENT 4.

ARTICLE ON UL9540A CERTIFICATION.



December 2, 2019

Authored by Howard D. Hopper, FPE - Global Regulatory Services Manager. Contributions by Adam Barowy, Research Engineer

In 2015 work began on developing fire safety requirements in U.S. fire codes to address modern energy storage systems (ESS). This effort focused on mitigating the potential hazards of large indoor and outdoor lithium-ion battery ESS installations. The greatest concern for ESS installations was thermal runaway in a battery module that could propagate to a significant fire or explosion, especially since there were no proven methods for controlling or suppressing a fire or mitigating a potential explosion. At the time there was a lack of research and fire performance data to use as a basis for developing protection solutions.

Size (electrical capacity in a unit), separation and maximum allowable quantity (total electrical capacity in one space) requirements were introduced in the 2018 International Fire Code and the NFPA 1 Fire Code to address uncertainty with thermal runaway and fire propagation of battery ESS. The size and electrical energy density of ESS installations were limited by these requirements. However, the codes allowed ESS installations with

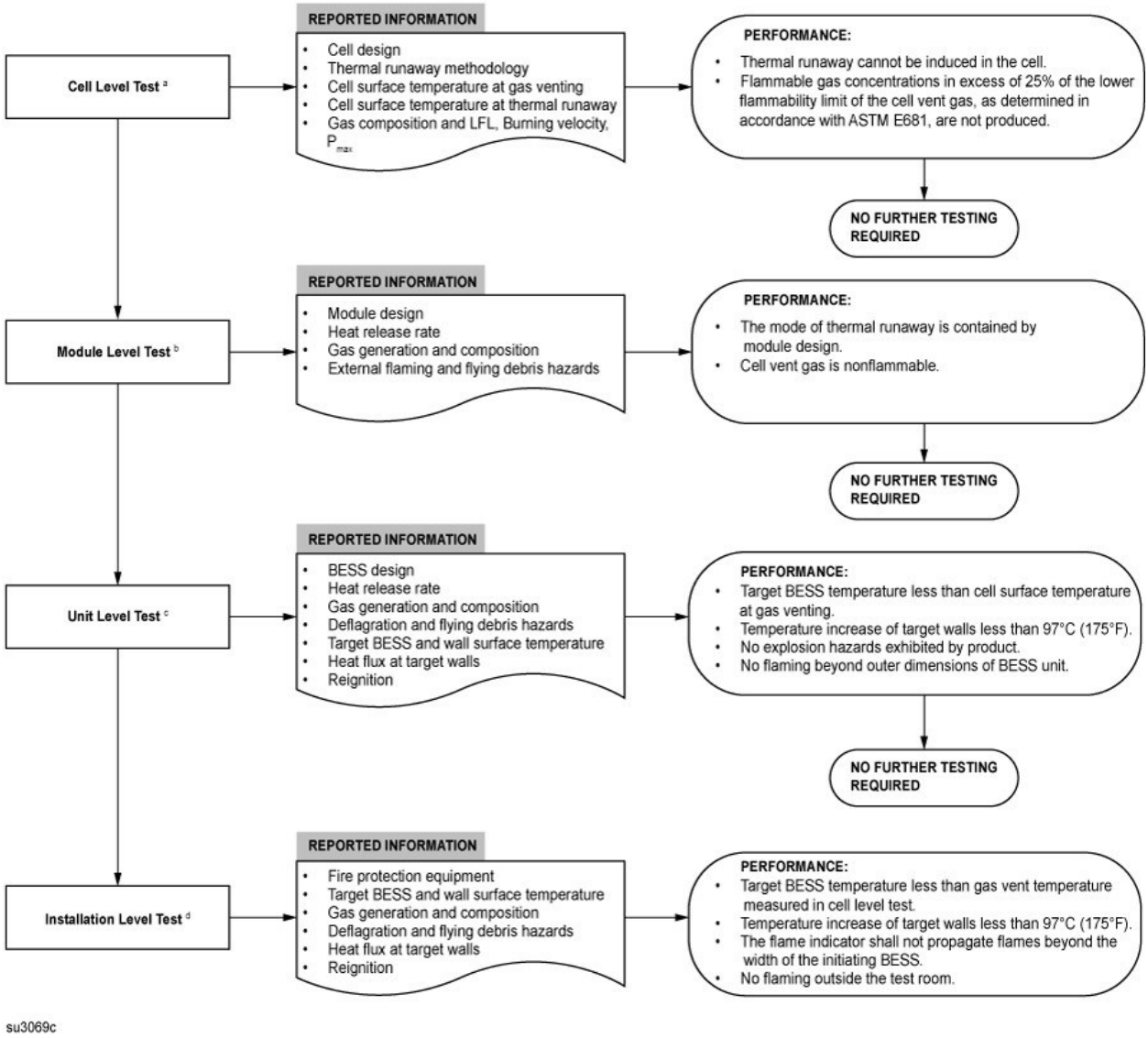
larger capacities or smaller separation distances when approved by the code authority using large-scale fire and fault condition testing results from an approved testing laboratory. This testing needed to demonstrate that a fire involving one ESS unit would not propagate to an adjacent unit and would be contained within a battery room.

UL stepped up to meet the needs of the ESS industry and code authorities by developing a methodology for conducting battery ESS fire tests by publishing UL 9540A[1], Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems in November 2017. The requirements were designed to evaluate the fire characteristics of a battery ESS that undergoes thermal runaway. The data generated was intended to be used to determine the fire and explosion protection required for an installation of a battery energy storage system. It also meets the objectives of the International Fire Code (IFC) and NFPA 1 relative to fire propagation hazards and fire mitigation methods from a single battery energy storage system unit.

UL 9540A included a series of progressively larger fire tests, beginning at the cell level and progressing to the module level, unit level, and finally the installation level. Each test generated specific data used to evaluate thermal runaway characteristics and fire propagation without specific pass/fail test criteria. Instead, the complete data package was provided to code authorities so they could evaluate the suitability of a battery ESS installation.

As fire codes evolved, and UL gained additional experience with battery ESS fire propagation testing, thermal runaway characteristic, and the data needed by code authorities, UL 9540A was updated in rapid succession with a second edition published in January 2018 and a third edition published in June 2018. With the technical foundation for battery ESS large-scale fire testing firmly in place, UL engaged Standard Technical Panel 9540 in 2019 to develop a binational edition of the test method. The fourth edition of

ANSI/CAN/UL 9540A was published November 12, 2019 and is an ANSI and SCC (Standards Council of Canada) accredited standard.



A few of the significant changes introduced into the fourth edition of UL 9540A include:

- Criteria introduced to the cell level, module level, and unit level tests that identify when progressively larger tests are unnecessary,

essentially establishing acceptance criteria for the tests. The flow chart accompanying this article provides details on the test sequence UL 9540A[1].

- Enhancements to the unit level test to include specific test criteria for testing indoor floor mounted battery energy storage systems (BESS), outdoor ground mounted BESS, indoor wall mounted BESS and outdoor wall mounted BESS. All of these types of systems are covered by specific installation requirements in the latest editions of the IFC, NFPA 1 and NFPA 855.

UL 9540A will continue to evolve to reflect changes in ESS installation requirements, advancements in fire science, and the needs of the ESS industry and code authorities. For additional information on UL 9540A, visit www.UL.com/batteries.

[1.] Adapted from UL 9540A copyright © 2019 Underwriters Laboratories Inc.

ATTACHMENT 5.

TECHNICAL REPORT ISSUED FOR THE VICTORIA BESS DEFLAGRATION EVENT.

January 25, 2022

Victorian Big Battery Fire: July 30, 2021

REPORT OF TECHNICAL FINDINGS

ANDY BLUM, PE, CFEI
SENIOR FIRE PROTECTION ENGINEER

TOM BENSEN, PRINCIPAL FOUNDER
PAUL ROGERS, PRINCIPAL FOUNDER
CASEY GRANT, PE, SENIOR CONSULTANT
GEORGE HOUGH, SENIOR CONSULTANT

Fisher Engineering, Inc.
10475 MEDLOCK BRIDGE ROAD
SUITE 520
JOHNS CREEK GA 30097

Energy Safety Response Group
8350 US HIGHWAY N 23
DELAWARE OHIO 43015

Background

The Victorian Big Battery (VBB) is a 300-Megawatt (MW)/450-Megawatt hour (MWh) grid-scale battery storage project in Geelong, Australia. VBB is one of the largest battery installations in the world and can power over one million Victorian homes for 30 minutes during critical peak load situations.[1] It is designed to support the renewable energy industry by charging during times of excess renewable generation. The VBB is fitted with 212 Tesla Megapacks to provide the 300-MW/450-MWh of energy storage. The Megapack is a lithium-ion battery energy storage system (BESS) consisting of battery modules, power electronics, a thermal management system, and control systems all pre-manufactured within a single cabinet that is approximately 7.2 meters (m) in length, 1.6 m deep and 2.5 m in height (23.5 feet [ft] x 5.4 ft x 8.3 ft).

On Friday, July 30th, 2021, a single Megapack at VBB caught fire and spread to a neighboring Megapack during the initial installation and commissioning of the Megapacks. The fire did not spread beyond these two Megapacks and they burned themselves out over the course of approximately six hours. There were no injuries to the general public, to site personnel or to emergency first responders as the Megapacks failed safely (i.e., slowly burned themselves out with no explosions or deflagrations), as they are designed to do in the event of a fire. Per the guidance in Tesla's Lithium-Ion Battery Emergency Response Guide[2] (ERG), emergency responders permitted the Megapack to burn and consume itself while nearby exposures were being monitored at a safe distance. The total impact to the site was two out of the 212 Megapacks were fire damaged, or less than 1% of the BESS.

Following the emergency response, a detailed, multi-entity fire investigation commenced on August 3, 2021. The investigation process included local regulatory entities, Tesla, outside third-party engineers and subject matter experts. The investigation process involved analyzing both the fire origin and cause as well as the root cause of the fire propagation to the neighbor Megapack. In addition, given this is the first fire event in a Megapack installation to date, a review of the emergency response has been performed to identify any lessons learned from this fire event.

This report summarizes those investigations and analyses and has been prepared by Fisher Engineering, Inc. (FEI) and Energy Safety Response Group (ESRG), two independent engineering and energy storage fire safety consulting firms. In addition, this report provides a list of lessons learned from the fire and also highlights the procedural, software and hardware changes that have been implemented based on those lessons learned.

Incident Timeline

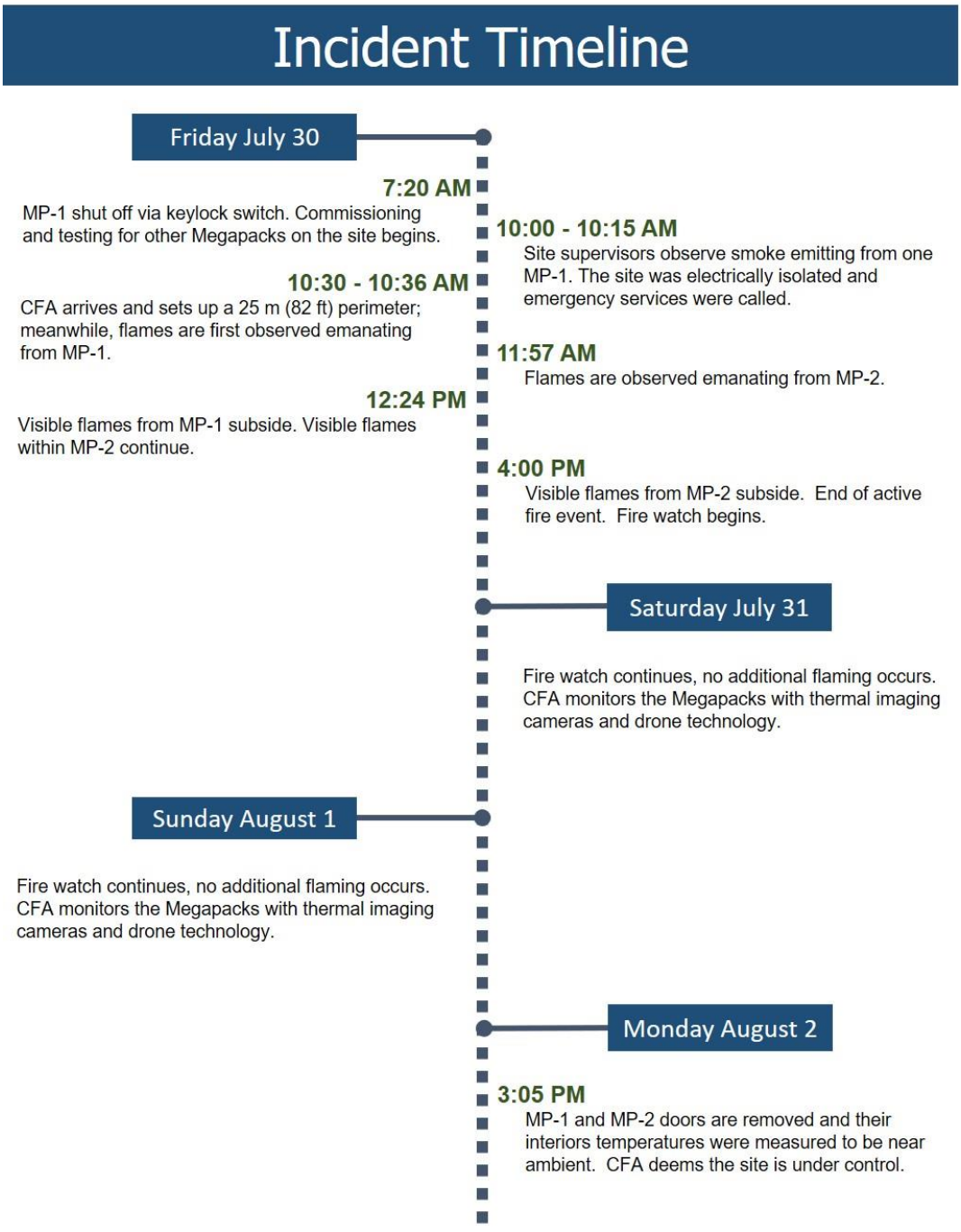
At the time of the fire, the VBB was fitted with approximately one-half of the 212 total Megapacks intended for the site. The Megapacks that were installed at VBB were undergoing routine testing and commissioning on the day of the fire. At 7:20 AM Australian Eastern Standard Time (AEST) on the morning of July 30, 2021, commissioning and testing of a number of Megapacks commenced. One such Megapack (denoted herein as MP-1), was not going to be tested that day and was therefore shut off manually by means of the keylock switch.[3] At the time MP-1 was shut down via the keylock switch, the unit displayed no abnormal conditions to site personnel. Around 10:00 AM, smoke was observed emitting from MP-1 by site personnel. Site personnel

[1] https://victorianbigbattery.com.au/

[2] https://www.tesla.com/sites/default/files/downloads/Lithium-Ion_Battery_Emergency_Response_Guide_en.pdf

[3] The keylock switch is a type of "lock out tag out" switch on the front of the Megapack that safely powers down the unit for servicing.

electrically isolated all the Megapacks on-site and called emergency services: Country Fire Authority (CFA). The CFA arrived shortly thereafter and set up a 25 m (82 ft) perimeter around MP-1. They also began applying cooling water to nearby exposures as recommended in Tesla's ERG. The fire eventually spread into a neighbor Megapack (MP-2) installed 15 centimeters (cm), or 6 inches (in), behind MP-1. The CFA permitted MP-1 and MP-2 to burn themselves out and did not directly apply water into or onto either Megapack, as recommended in Tesla's ERG. By 4:00 PM (approximately six hours after the start of the event), visible fire had subdued and a fire watch was instituted. The CFA monitored the site for the next three days before deeming it under control on August 2, 2021, at which time, the CFA handed the site over for the fire investigation to begin.



Note: The time stamp is AEST (UTC+10) which is 19 hours ahead of USA PDT (UTC-7)

Investigation

A multi-entity fire investigation commenced on August 3, 2021. The VBB fire investigation process involved analyzing both the root cause of the initial fire in MP-1 as well as the root cause of the fire propagation into MP-2. The investigations included on-site inspections of MP-1 and MP-2 by the CFA, Energy Safe Victoria[4] (ESV), Work Safety Victoria[5] (WSV), local Tesla engineering/service teams and a local third-party independent engineering firm. In addition to the on-site work immediately after the incident, the root cause investigations also included data analysis, thermal modeling and physical testing (electrical and fire) performed by Tesla at their headquarters in California, USA and their fire test facility in Nevada, USA.

Fire Cause Investigation

On-site inspections commenced on August 3, 2021 and concluded on August 12, 2021. MP-1 and MP-2 were documented, inspected and preserved for future examinations, if necessary. Concurrently, all available telemetry data (such as internal temperatures and fault alarms) from MP-1 and MP-2 were analyzed and a series of electrical fault and fire tests were performed. The on-site investigation findings, the telemetry data analysis, electrical fault tests and fire tests, when combined, identified a very specific series of fault conditions present on July 30, 2021 that could lead to a fire event.

Fire Origin and Cause Determination

The origin of the fire was MP-1 and the most likely root cause of the fire was a leak within the liquid cooling system of MP-1 causing arcing in the power electronics of the Megapack's battery modules. This resulted in heating of the battery module's lithium-ion cells that led to a propagating thermal runaway event and the fire.

Other possible fire causes were considered during the fire cause investigation; however, the above sequence of events was the only fire cause scenario that fits all the evidence collected and analyzed to date.

Contributory Factors

A number of factors contributed to this incident. Had these contributory factors not been present, the initial fault condition would likely have been identified and interrupted (either manually or automatically) before it escalated into a fire event. These contributory factors include:

1. The supervisory control and data acquisition (SCADA) system for a Megapack required 24 hours to setup a connection for new equipment (i.e., a new Megapack) to provide full telemetry data functionality and remote monitoring by Tesla operators. Since VBB was still in the installation and commissioning phase of the project (i.e., not in operation), MP-1 had only been in service for 13 hours prior to being switched off via the keylock switch on the morning of the fire. As such, MP-1 had not been on-line for the required 24 hours, which prevented this unit from transmitting telemetry data (internal temperatures, fault alarms, etc.) to Tesla's off-site control facility on the morning of the fire.
2. The keylock switch for MP-1 was operated correctly on the morning of the fire to turn MP-1 off as the unit was not required for commissioning and testing that morning; however, this action caused telemetry systems, fault monitoring, and electrical fault safety devices[6] to be disabled or operate with

[4] Victoria's energy safety regulator

[5] Victoria's health and safety regulator

[6] These elements include, among other devices, fuses at the cell and module level for localized fault current interruption and a battery module pyro disconnect that severs the electrical connection of the battery module when a fault current is passing through the battery module.

only limited functionality. This prevented some of the safety features of MP-1 from actively monitoring and interrupting the electrical fault conditions before escalating into a fire event.

3. The exposure of liquid coolant onto the battery modules likely disabled the power supply to the circuit that actuates the pyro disconnect.[7] With a power supply failure, the pyro disconnect would not receive a signal to sever and would not be able to interrupt a fault current passing through the battery module prior to it escalating into a fire event.

Fire Propagation Investigation

The VBB fire investigation process involved analyzing not only the root cause of the initial fire in MP-1 but also the root cause of the fire propagation into MP-2. The Megapack has been designed to be installed in close proximity to each other without fire propagating to adjacent units. The design objective of the Megapack in terms of limiting fire propagation was mainly reliant on the thermal insulation of the Megapack's exterior vertical steel panels and the sheer mass of the battery modules acting as a heat sink (i.e., they are difficult to heat up). With this thermal insulation, the Megapack spacing can be as close as 15 cm (6 in) to the sides and back of each unit with 2.4 m (8 ft) aisles in front of each Megapack, as shown in Figure 1. This product spacing has been validated in UL9540A unit level tests.[8] Similar to the fire origin and cause investigation, the on-site inspections were supported simultaneously with an analysis of telemetry data (such as internal temperatures) from MP-2 and fire testing. The on-site investigation findings, the telemetry data analysis and fire tests, when combined, identified a scenario where Megapack to Megapack fire propagation can occur.

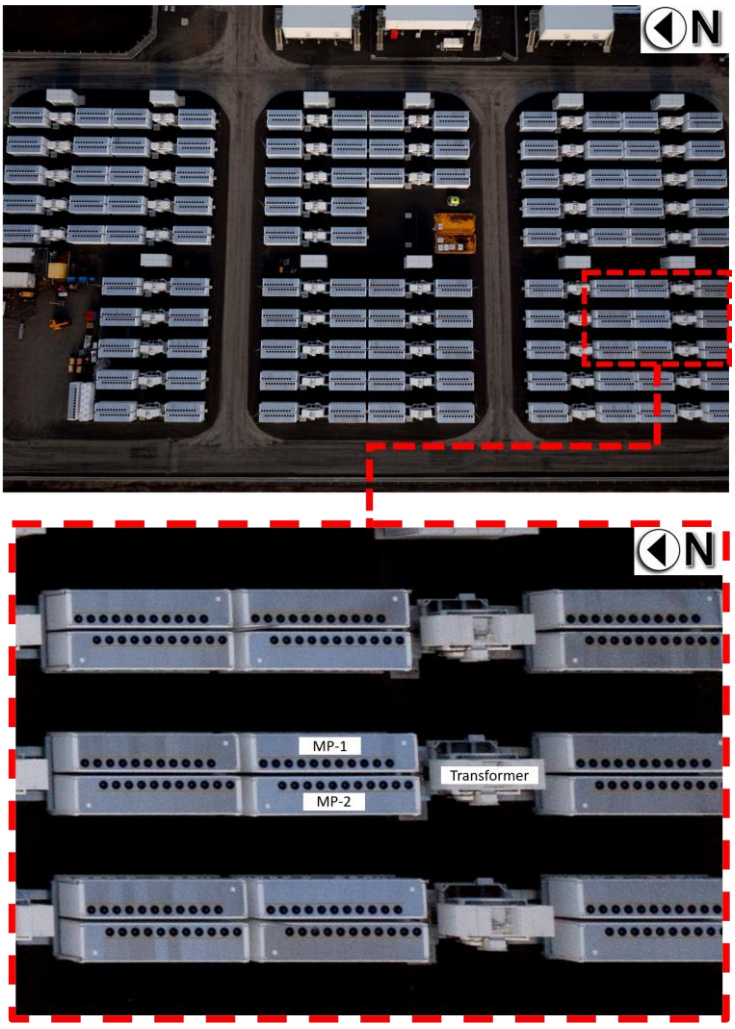


Figure 1 VBB Megapack layout (top) and area of fire origin (bottom)

[7] The pyro disconnect is a Tesla proprietary shunt-controlled pyrotechnic fuse that allows for rapid one-time actuation. There is one pyro disconnect per battery module.

[8] UL9540A, *Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems*. UL9540A is a test method developed by UL to address fire safety concerns with BESS. The test method provides a method to evaluate thermal runaway and fire propagation at the cell level, module level, and unit level. In addition to cell and module level tests, Tesla performed unit level tests to evaluate, among other fire safety characteristics, the potential for fire propagation from Megapack-to-Megapack. During unit level testing, fire propagation did not occur between Megapacks when they were installed with a spacing of 15 cm (6 in) to the sides and back of each unit.

Fire Propagation Determination

Flames exiting the roof of MP-1 were significantly impacted by the wind conditions at the time of the fire. Wind speeds were recorded between 20-30 knots[9] which pushed the flames exiting the roof of MP-1 towards the roof of MP-2. This direct flame impingement on the top of the thermal roof of MP-2 ignited the internal components of MP-2, most notably, the plastic overpressure vents that seal the battery bay[10] from the thermal roof. Once ignited, the overpressure vents provided a direct path for flames and hot gases to enter into the battery bays, thus exposing the battery modules of MP-2 to fire and/or elevated temperatures. Exposed to temperatures above their thermal runaway threshold of 139°C (282°F), the cells within the battery modules eventually failed and became involved in the fire.

Other possible fire propagation root causes were considered during the investigation; however, the above sequence of events was the only fire propagation scenario that fits all the evidence collected and analyzed to date. Of note, at the time when fire was observed within the thermal roof of MP-2, internal cell temperature readings of MP-2 had only increased by 1°C (1.8°F) from 40°C to 41°C (104°F to 105.8°F)[11] Around the same time that fire was observed within the thermal roof of MP-2, around 11:57 AM (approximately 2 hours into the fire event), communication was lost to the unit and no additional telemetry data was transmitted. However, given the internal cell temperatures of MP-2 had only recorded a 1°C (1.8°F) temperature rise 2 hours into the fire event and while the unit's roof was actively on fire, fire propagation across the 15 cm (6 in) gap via heat transfer is not the root cause of the fire propagation. Furthermore, this telemetry data from MP-2 demonstrates that the Megapack's thermal insulation can provide significant thermal protection in the event of a fire within an adjacent Megapack installed only 15 cm (6 in) away.

Contributory Factors

The wind was the dominant contributory factor in the propagation of fire from MP-1 to MP-2. At the time of the fire, a 20-30 knot (37-56 km/hr, 23-35 mph) wind was recorded out of the north. The wind conditions at the time of the fire pushed the flames exiting out of the top of MP-1 towards the top of MP-2 leading to direct flame impingement on the thermal roof of MP-2. This type of flame behavior was not observed during previous product testing or regulatory testing per UL9540A. In UL9540A unit level testing, the maximum wind speed permitted[12] during the test is 10.4 knots (19.3 km/hr, 12.0 mph); whereas, wind conditions during the VBB fire were two to three times greater in magnitude. As such, the wind conditions during the VBB fire appear to have identified a weakness in the Megapack's thermal roof design (unprotected, plastic overpressure vents in the ceiling of the battery bays) that allows Megapack-to-Megapack fire propagation. This weakness was not identified previously during product or regulatory testing and does not invalidate the Megapack's UL9540A certification, as the cause of fire propagation was primarily due to an environmental condition (wind) that is not captured in the UL9540A test method.

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9 This equates to 37-56 kilometers per hour (km/hr) or 23-35 miles per hour (mph).

10 The battery bay is an IP66 enclosure that houses the battery modules. It is distinct from the thermal roof installed above it. Plastic overpressure vents are installed in the ceiling of the battery bay, sealing the two enclosures from one another.

11 As a reference, the Megapack's normal operating cell temperature is between 20-50°C and cell thermal runaway does not occur until 139°C (98°C above cell temperatures of MP-2 before telemetry data was lost).

12 This threshold is necessary for test reliability and reproducibility. If wind conditions are not bounded in some fashion in an outdoor fire test, large variances on product performance could be introduced due to varying wind conditions.

Mitigations

The investigation of the VBB fire identified several gaps in Tesla's commissioning procedures, electrical fault protection devices and thermal roof design. Since the fire, Tesla has implemented a number of procedural, firmware, and hardware mitigations to address these gaps. These mitigations have been applied to all existing and any future Megapack installations and include:

Procedural Mitigations:

- Improved inspection of the coolant system for leaks during Megapack assembly and during end-of-line testing to reduce the likelihood of future coolant leaks.
- Reduce the telemetry setup connection time for new Megapacks from 24 hours to 1 hour to ensure new equipment is transmitting telemetry data (internal temperatures, fault alarms, etc.) to Tesla's off-site control facility for remote monitoring.
- Avoid utilizing the Megapack's keylock switch during commissioning or operation unless the unit is actively being serviced. This procedural mitigation ensures telemetry, fault monitoring, and electrical fault safety devices (such as the pyro disconnect) are active while the Megapack is idle (such as during testing and commissioning).

Firmware Mitigations:

- Added additional alarms to the coolant system's telemetry data to identify and respond (either manually or automatically) to a possible coolant leak.
- Keep all electrical safety protection devices active, regardless of keylock switch position or system state. This firmware mitigation allows electrical safety protection devices (such as the pyro disconnect) to remain in an active mode, capable of actuating when electrical faults occur at the battery modules, no matter what the system status is.
- Active monitoring and control of the pyro disconnect's power supply circuit. In the event of a power supply failure (either through an external event such as a coolant exposure or some other means), the Megapack will automatically actuate the pyro disconnect prior to the loss of its power supply.

Hardware Mitigations

- Installation of newly designed, thermally insulated steel vent shields within the thermal roof of all Megapacks. These vent shields protect the plastic overpressure vents from direct flame impingement or hot gas intrusion, thus keeping the IP66 battery bay enclosures isolated from a fire above in the thermal roof. Their performance was validated through a series of fire tests, including unit level fire testing of entire Megapack units.[13] The vent shields are placed over the top of the overpressure vents and will come standard on all new Megapack installations. For existing Megapacks, the vent shields can be installed in the field (retrofit) with minimal effort or disruption to the unit. At the time of this report, the vent shields are nearing production stage and will be retrofitted to applicable Megapack sites shortly.

[13] The tests confirmed that, even with the entire thermal roof fully involved in fire, the overpressure vents will not ignite and the battery modules below remain relatively unaffected by the fire above. For instance, the cells within the battery modules saw a less than 1°C temperature rise while the entire thermal roof was fully involved in fire.

Emergency Response

Beyond the origin and cause and propagation investigations, another key aspect of the VBB fire was the emergency response. The CFA is the responsible fire service organization for VBB, and the facility is in their initial response jurisdiction. The location of the VBB facility is in a semi-rural location. The nearest fire station is the CFA Lovely Banks, approximately 4 km (2.5 miles) distance from VBB and thus relatively close, though other resources had more extended travel distances.

Upon arrival around 10:30 AM, CFA immediately established incident command (IC) in accordance with their protocols, and the IC worked closely with the facility representatives and subject matter experts (SMEs). This close coordination continued throughout the entire event. The facility was evacuated and all-site personnel accounted-for upon notification of the emergency event and the commencement of fire service operations. A 25 m (82 ft) perimeter was established around MP-1 while water application and cooling strategies were discussed with facility representatives and subject matter experts (SMEs). The decision was made to provide exposure protection to Megapacks and transformers adjacent to MP-1 and MP-2 using water hose lines, as recommended in Tesla's ERG. The fire eventually propagated into MP-2; however, flame spread did not advance any further than MP-1 and MP-2. The two Megapacks were permitted to burn themselves out, during which time the CFA did not directly apply water into or onto either Megapack. By 4:00 PM (approximately six hours after the start of the event), visible flames had subdued and a fire watch was instituted. The CFA continued to monitor the site for the next three days before deeming it under control on August 2, 2021, at which time, the fire investigation began.

Key Takeaways

A thorough review of the VBB fire emergency response yielded the following key takeaways:

- Effective Pre-incident Planning: VBB had both an Emergency Action Plan (EAP) and an Emergency Response Plan (ERP). Both plans were available to emergency responders and were effectively used during the VBB fire. For example, all site employees and contractors followed proper evacuation protocols during the fire and as a result, no injuries occurred to those personnel.
- Coordination with SMEs: VBB had thorough pre-incident plans that clearly identified the SMEs, how to contact them, their role and other key tasks. It was reported that the facility SMEs stayed in close contact with the CFA IC throughout the VBB fire, providing valuable information and expertise for the CFA to draw upon. For example, site representatives and SMEs worked closely with the CFA in determining water application and cooling strategies of adjacent exposures.
- Water Application: A key question regarding water application is the necessary amount and duration for effective fire containment. Tesla's design philosophy is based on inherent passive protection (i.e., thermal insulation), with minimal dependence on active firefighting measures like external hose lines. As such, water was not aimed at suppressing the fire but rather protecting the exposures as directed by Tesla's ERG and the SMEs on site. All available data and visual observations of the fire indicates water had limited effectiveness in terms of reducing or stopping fire propagation from Megapack-to-Megapack. The thermal insulation appears to be the dominant factor in reducing heat transfer between adjacent Megapacks. However, water was effectively used on other exposures

(transformers, electrical equipment, etc.) to protect that equipment, which are not designed with the same level of protection as a Megapack is (i.e., thermal insulation).[14]

- The fire protection design approach of the Megapack has inherent advantages over other BESS designs in terms of safety to emergency responders. The Megapack approach minimizes the likelihood of fire spread using passive compartmentation and separation, eliminates the danger to fire fighters of an overpressure event due to design features and a lack of confinement (e.g., outdoor versus indoor), does not rely on active firefighting measures like external hose lines and minimizes the dangers from stranded electrical energy to those involved with overhaul and de-commissioning with a fire response approach permitting the Megapack to burn itself out.

Environmental Concerns

The Environment Protection Authority Victoria (EPA) deployed two mobile air quality monitors within 2 km (1.2 miles) of the VBB site. Locations were chosen where there was potential to impact the local community. The EPA monitors confirmed "good air quality in the local community" after the incident; however, the measurements were not taken during the peak of the fire event. They were sampled around 6:00 PM, or approximately 2 hours after the fire was out. Therefore, the data cannot be used to understand the airborne hazards during the actual fire event. The data does demonstrate that two hours after the fire event, the air quality in the surrounding area was "good" and no long-lasting air quality concerns arose from the fire event.[15]

During the fire event, the CFA coordinated with site personnel to control the water run-off from fire hoses into a catchment. Water samples, collected by Tesla site personnel under the supervision of CFA, were extracted from the catchment. Laboratory results from those samples indicated that the likelihood of the fire having a material impact on the water was minimal. After the incident, as a precaution, the water was removed from the catchment, via suction trucks, and was transported to a licensed waste facility for treatment and disposal. It is estimated that approximately 900,000 liters of water was disposed of from the site after the event.

Community Concerns

Neoen, the project developer and owner, pro-actively engaged with the local community during and following the VBB fire. These engagements included door-to-door visits, phone calls and emails with the residential and agricultural properties within a 2-3 km (1.2-1.9 mile) radius of the VBB site. Neoen found their prior community outreach during the project planning stages to be invaluable as this outreach provided up-to-date contact information for Neoen when reaching out to the local community during and following the fire. In addition, Neoen formed an executive stakeholder steering committee compromising of key organizations within 24 hours of the incident. With multiple parties involved in the emergency response to the fire event

[14] At the time of this report, final fire department reports were not available for review and inclusion. As that information becomes available, additional information regarding water usage and effectiveness may require inclusion in this report. Although the effectiveness of external water in a Megapack fire may be limited, water should still be made available for exposure protection and other unanticipated events in the future, as required by any applicable regulatory requirements.

[15] It should be noted that prior regulatory testing (UL 9540A module level fire testing) has shown that the products of combustion of a Megapack battery module can include flammable and nonflammable gases. Based on those regulatory tests, the flammable gases were found to be below their lower flammable limit (LFL) and would not pose a deflagration or explosion risk to first responders or the general public. The nonflammable gases were found to be comparable to the smoke you would encounter in a typical Class A structure fire and do not contain any unique, or atypical, gases beyond what you would find in the combustion of modern combustible materials.

actively participating in the steering committee, this helped ensure that from the outset communication was timely, efficient, well-coordinated across different organizations and accurate.

In addition to the community outreach, Neoen and Tesla also briefed multiple industry, State and Federal Government Departments and Agencies immediately following the VBB fire and at the conclusion of the investigation process. These briefings helped ensure the wider energy sector with interests in BESS were able to be kept directly informed as information became available.

Overhaul and Remediation

On July 29, 2021 nearly half of the Megapacks had been installed and the site was in the testing and commissioning stage of the project. Following the fire event on July 30, 2021, fire department personnel, regulatory agencies and other emergency responders remained on-site for precautionary purposes until August 2, 2021. At that time the site was turned over for regulatory fire investigations to begin. On-site fire investigations started on August 3, 2021 and continued until August 12, 2021. During this time, starting on August 6, 2021, the site was permitted to continue the installation of Megapacks while the area around MP-1 remained cordoned off for the investigation. On September 23rd, 2021, less than two months after the fire, VBB was re-energized and testing and commissioning restarted. Remediation of the damaged equipment followed shortly after, and lasted a total of three days. All testing and commissioning efforts were completed without any further incidents and on December 8, 2021, VBB officially opened.

Lessons Learned

The VBB fire exposed a number of unlikely factors that, when combined, contributed to the fire initiation as well as its propagation to a neighboring unit. This collection of factors had never before been encountered during previous Megapack installations, operation and/or regulatory product testing. This section summarizes those factors as well as the emergency response to the fire, discusses the lessons learned from this fire event, and highlights the mitigations Tesla has implemented in response.

1. Commissioning Procedures

Lessons learned related to commissioning procedures include: (1) limited supervision/monitoring of telemetry data during the first 24 hours of commissioning and (2) the use of the keylock switch during commissioning and testing. These two factors prevented MP-1 from transmitting telemetry data (internal temperatures, fault alarms, etc.) to Tesla's control facility and placed critical electrical fault safety devices (such as the pyro disconnect) in a state of limited functionality, reducing the Megapack's ability to actively monitor and interrupt electrical fault conditions prior to them escalating into a fire event.

Since the VBB fire, Tesla has modified their commissioning procedures to reduce the telemetry setup connection time for new Megapacks from 24 hours to 1 hour and to avoid utilizing the Megapack's keylock switch unless the unit is actively being serviced.

2. Electrical Fault Protection Devices

Lessons learned related to electrical fault protection devices include: (1) coolant leak alarms; (2) the pyro disconnect being unable to interrupt fault currents when the Megapack is off via the keylock switch and (3) the pyro disconnect likely being disabled due to a power supply loss to the circuit that actuates it. These three factors prevented the pyro disconnect of MP-1 from actively monitoring and interrupting the electrical fault conditions before escalating into a fire event.

Since the VBB fire, Tesla has implemented a number of firmware mitigations that keep all electrical safety protection devices active, regardless of keylock switch position or system state, and to actively monitor and control the pyro disconnect's power supply circuit. Furthermore, Tesla has added additional alarms to better identify and respond (either manually or automatically) to coolant leaks. Additionally, although this fire event was likely initiated by a coolant leak, unexpected failures of other internal components of the Megapack could create similar damage to the battery modules. These new firmware mitigations do not only address damage from a coolant leak. They also permit the Megapack to better identify, respond, contain and isolate issues within the battery modules due to failures of other internal components, should they occur in the future.

3. Fire Propagation

Lessons learned related to fire propagation include: (1) the significant role external, environmental conditions (such as wind) can have on a Megapack fire and (2) the identification of a weakness in the thermal roof design that permits Megapack-to-Megapack fire propagation. These two factors led to direct flame impingement on the plastic overpressure vents that seal the battery bay from the thermal roof. With a direct path for flames and hot gases to enter into the battery bays, the cells within the battery modules of MP-2 failed and became involved in the fire.

Since the VBB fire, Tesla has devised (and validated through extensive testing) a hardware mitigation that protects the overpressure vents from direct flame impingement or hot gas intrusion via the installation of new, thermally insulated, steel vent shields. The vent shields are placed on top of the overpressure vents and will come standard on all new Megapack installations. For existing Megapacks, the vent shields can be easily installed in the field. At the time of this report, the vent shields are nearing production stage and will be retrofitted to applicable Megapack sites shortly.

4. Megapack Spacing

Lessons learned related to Megapack spacing include: no changes are required to the installation practices of the Megapack with the vent shield mitigation (as described above) in place. Based on an analysis of telemetry data within MP-2 during the VBB fire, the Megapack's thermal insulation can provide significant thermal protection in the event of a fire within an adjacent Megapack installed 15 cm (6 in) away. The internal cell temperatures of MP-2 only increased by 1°C (1.8°F), from 40°C to 41°C (104°F to 105.8°F), before communication was lost to the unit, presumably due to fire, around 11:57 AM (approximately 2 hours into the fire event). Fire propagation was triggered by the weakness in the thermal roof, as described above in #3, and not due to heat transfer via the 15 cm (6 in) gap between Megapacks. With the vent shield mitigation in place, the weakness has been addressed and validated through unit level fire testing (i.e., tests involving the ignition of the Megapack's thermal roof). These tests confirmed that, even with the thermal roof fully involved in a fire, the overpressure vents will not ignite and the battery modules remain relatively unaffected with internal cell temperatures rising less than 1°C.

5. Emergency Response

Lessons learned from the emergency response to the VBB fire include: (1) effective pre-incident planning is invaluable and can reduce the likelihood of injuries; (2) coordination with SMEs, either on site or remotely, can provide critical expertise and system information for emergency responders to draw upon; (3) the effectiveness of applying water directly to adjacent Megapacks appears to provide limited benefits; however, water application to other electrical equipment, with inherently less fire protection built into their designs (such as transformers), can be a useful tactic to protect that equipment; (4) the fire protection design

approach of the Megapack has inherent advantages over other BESS designs in terms of safety to emergency responders; (5) the EPA indicated that there was “good” air quality 2 hours after the fire demonstrating that no long-lasting air quality concerns arose from the fire event; (6) water samples indicated that the likelihood of the fire having a material impact on firefighting water was minimal; (7) prior community engagement during the project planning stages is invaluable as it enabled Neoen to quickly update the local community and address immediate questions and concerns; (8) early, factual and where possible, face-to-face engagement with the local community is essential when a fire event is unfolding to keep the general public informed; (9) an executive stakeholder steering committee from the key organizations involved in the emergency response can help ensure that any pubic communications are timely, efficient, coordinated and accurate; and (10) effective coordination between stakeholders at the site allowed for rapid and thorough handover process after the incident, the swift and safe decommissioning of the damaged units and the site’s quick return to service.

In summary, the VBB fire event proceeded in accordance with its fire protection design and pre-incident planning. It presented no unusual, unexpected, or surprising characteristics (i.e., explosions) or resulted in any injuries to site personnel, the general public or emergency responders. It was isolated to the units directly involved, had minimal environmental impact, did not adversely impact the electrical grid, and had appreciably short mission interruption.

ATTACHMENT 6.

DISCUSSION OF THE FAILURE MECHANISMS THAT RESULT IN BESS DEFLAGRATION.

BESS Fires Occur Frequently Because There are Many Mechanisms that Trigger Thermal Runaway.

The reason that thermal runaway events and their ensuing BESS fires occur so frequently is because they can be initiated for many different reasons. One cause is manufacturing error; for instance, if the separator film between the anode and cathode is defective, then an internal short circuit occurs and thermal runaway is immediately initiated. Other manufacturing errors will result in impaired control systems which cause the battery cells to overcharge; overcharging rapidly degrades the separator film which causes a short circuit and initiates thermal runaway. Control system manufacturing defects also cause battery cells to overdischarge (which drops the cell voltage to a level below the manufacturer's recommendation); if this occurs just a few times (which is likely if the control system is malfunctioning), thermal runaway is initiated when the cell is recharged[1]. Manufacturing errors can also result in flawed cooling systems which, as explained below, also cause thermal runaway.

Manufacturing defects are perhaps the most insidious causes of thermal runaway because they are invisible and undetectable. Manufacturing defects are also very common and widespread. Clean Energy Associates (CEA) conducted inspections at 64 percent of "Tier 1" lithium-ion BESS manufacturers around the world (in the United States, South Korea, India, Viet Nam, and China) and found a very high incidence of manufacturing deficiencies[2]. Among other things, the CEA study cited substandard quality control procedures, defects in upstream components that were not caught during quality checks, poorly welded wiring connections, charging/discharging failures, structural deformations, and "abnormally large temperature and voltage variations among battery cells". The study also found that 26% of the BESS systems that were inspected had deficiencies related to the fire detection and suppression system and 18% had deficiencies related to the thermal management system. Notably, each of these deficiencies (whether related to wiring, welding, structural deformations, or system controls) can (and will) result in thermal runaway event.

Thermal runaway is also triggered by failures in mechanical cooling systems; this causes individual battery cells to exceed their established temperature threshold and thermal runaway initiates. This is a constant concern because BESS generate significant heat

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[1] https://ul.org/research/electrochemical-safety/getting-started-electrochemical-safety/what-causes-thermal

[2] *BESS QUALITY RISKS: A Summary of the Most Common Battery Energy Storage System Manufacturing Defects*. February, 2024. CEA Insights. https://info.cea3.com/hubfs/CEA%20BESS%20Quality%20Risks%20Report.pdf

during charging and discharging cycles; therefore, BESS containers have extensive fan networks and cooling equipment which, like any mechanical system, is susceptible to operational "glitches" and failure; when this happens, thermal runaway ensues.

Another cause of thermal runaway at a BESS facility is installation errors and mishaps; in fact, many types of installation mishaps can trigger thermal runaway. For example, if mishandling damages a single battery cell in a manner that compromises its protective separator film, a short circuit will occur and thermal runaway will be initiated. It is important to point out that BESS containers are always shipped and installed in a charged state; this is why thermal runaway can occur even during shipping and installation and why several freeways in Southern California have been closed after recent transportation mishaps involving Lithium Ion BESS containers. Other types of installation errors can also cause thermal runaway. For example, the Australian BESS fire described herein resulted from a liquid coolant leak that occurred during construction[3]. Installation errors sometimes do not reveal themselves until after construction is complete and the system is online. This was certainly the case in the 2022 BESS fire at Moss Landing which occurred because numerous vent shields were improperly installed. One of the improperly installed vent shields dislodged an umbrella valve which caused significant quantities of water to pour onto the battery cells; this shorted them out which immediately initiated thermal runaway.

Given the numerous pathways for initiating thermal runaway and the troublesome deficiency statistics presented in the CAE report, it is surprising that there have not been *more* BESS explosions and fires. Nonetheless, more BESS fires will occur over time for several reasons. First, BESS degrade as they age[4]; specifically, the separator film between the anode and cathode degrades with time and therefore has a progressively higher probability of causing a short circuit and initiating thermal runaway. Second, manufacturing defects and installation errors will eventually assert themselves and at the very least, will cause storage system interruptions if not fires or explosions. Third, the probability of thermal runaway occurring in a particular area increases as the number of BESS containers in the area increase[5]. As more and larger BESS facilities

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[3] https://www.energy-storage.news/investigation-confirms-cause-of-fire-at-teslas-victorian-big-battery-in-australia/.

[4] "[B]atteries remain the primary cost component for BESSs. Due to a multitude of cell internal aging mechanisms, lithium-ion cells are subject to degradation, which manifests itself in capacity loss, cell resistance increase, as well as safety implications." *Aging aware operation of lithium-ion battery energy storage systems: A review*. Nils Collath, Benedikt Tepe, Stefan Englberger, Andreas Jossen, Holger Hesse. Published November 25, 2022. https://www.sciencedirect.com/science/article/pii/S2352152X2201622X

[5] It is purely a "numbers game": the likelihood of a mechanical failure or an installation error or a defective BESS container increases as the total number of BESS containers increase at any (continued)

come on line, and as those systems age, the frequency with which BESS deflagrations occur will only increase.

given location. A recent study issued by Pacific Northwest National Laboratories ("PNNL") points out that "Regardless of project size, the fundamental question in assessing a project's risk is what happens if a single unit fails, rather than what happens if every unit fails at once"; the article continues by asserting that the risk of a fire incident at a properly designed BESS is decoupled from the project size because a properly designed BESS will "prevent a fire in one unit from spreading to neighboring units" (though SORT notes that this statement is only true when ambient wind speeds do not exceed the UL9540A test threshold of 12 miles per hour). Here, PNL merely articulates that a fire incident at a BESS facility is likely to be contained to a single container and not spread to other containers. However, PNL does not challenge, and cannot challenge, the indisputable fact that the probability that a fire incident will occur at a BESS facility increases as the number of BESS containers at the facility increase. The PNL Report is "*Energy Storage in Local Zoning Ordinances*". October 2023. https://www.pnnl.gov/main/publications/external/technical_reports/PNNL-34462.pdf

SAVE OUR RURAL TOWN

February 2, 2026

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012
Electronic submittal of a 2 page letter

Subject: Supplemental Comments Offered by Save Our Rural Town.

References: Project No. PRJ 2023-002405-(5) and Application No. RPPL2023005137.
Appeal of Regional Planning Commission Approval filed Sept. 3, 2025.
Board Letter and Department Statement dated January 27, 2026.

Dear Supervisors:

Save Our Rural Town (SORT) respectfully offers the following brief comments to the Los Angeles County Board of Supervisors (Board) in support of our appeal of the referenced project to develop a utility scale solar farm on agriculturally zoned property in the rural unincorporated Community of Neenach.

It has just come to SORT's attention that the referenced project approved by the Regional Planning Commission (Commission) on August 20, 2025 does not provide any landscaping along the southern boundary of the solar farm development where an existing agricultural use has been long established (specifically, a horse pasture that covers Assessor Parcel Numbers 3278025023 and 3278025026). This horse pasture was discussed at the Commission hearing (beginning at time stamp 55:45), so the developer, planning staff, and the commission is fully aware of this use. As such, the project should have been conditioned with a landscape buffer along the entire southern boundary of the solar field as required by the County's "Renewable Energy Ordinance" (REO) which states (in pertinent part and with emphasis added):

> 22.140.510.E.6.d.iii. Landscaped Buffer.
>
> (1) A landscaped area at least 10 feet in depth shall be maintained ***along any facility perimeter fencing*** and between such fencing and any public right-of-way ***or adjacent property with an existing residential or agricultural use***.

Furthermore, the Initial Study and Mitigated Negative Declaration (IS/MND) indicates that the solar panels will result in glare impacts to "single family homes situated around the project site" and the glare analysis prepared by the applicant found that the house on the project site due south of the western portion of the solar farm will experience glare impacts (as well as homes to the west and northeast). However, the analysis did not consider glare impacts to the pasture area that is south of the eastern portion of the solar field. To preclude glare impacts to the pasture area on the adjacent property and to mitigate the aesthetic impacts of the ugly industrial solar field (which were not properly characterized by the IS/MND[1]), the Board of Supervisors must add a new condition to the project to secure landscaping that runs east to west along the southern boundary of the solar field as required by the REO. Furthermore, the project must be conditioned to ensure that the landscaping along the southern boundary will consist of spreading screening vegetation that is drought tolerant, fast growing, and will extend as high as the solar panels to protect from glare and mitigate the significant aesthetic impacts created by the project. One potential candidate species is the desert willow; it should provide the screening required without affecting panel insolation.

SORT trusts that this information will be useful in your contemplation of the proper course of action on the appeal. If you have questions or wish to discuss matters presented herein, please do not hesitate to contact me at SORTActon@gmail.com.

Respectfully submitted;

/S/Jacqueline Ayer
Jacqueline Ayer, Director
Save Our Rural Town

[1] The IS/MND concluded that the project would have less than significant aesthetic impacts because it would not "Substantially degrade the existing visual character or quality of the site and its surroundings because of height, bulk, pattern, scale, character, or other features" (page 16). The problem is, the IS/MND only assessed this impact to the extent that it affects public views; the IS/MND failed to consider whether the project substantially degrades the existing visual character of the site as viewed from surrounding residential areas. This particular aesthetic impact is not limited solely to the public view perspective, and the IS/MND should have considered aesthetic impacts to surrounding residential areas which, in this case, are significant (particularly since the Commission failed to secure the landscaping along the southern boundary as required by the REO). Furthermore, the IS/MND concludes that this particular impact as it pertains to public views is less than significant because the solar panels are supposedly "low profile", but the Commission did not approve "low profile" solar panels; to the contrary, the Commission approved solar panels that can be as high as 25 feet (page 2 of the Planning Commission hearing package). Finally, the IS/MND states that this particular aesthetic impact is less than significant because the project The Project will have the same "visual quality of the existing solar facilities located to the southwest of the Project Site". However, ***there are no*** "existing solar facilities located to the southwest of the Project Site***" so this project represents the first ugly industrial solar farm in the bucolic rural area that surrounds it***.