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MCE meeting 1/15 agenda #10 Corby BESS

From Sarah Dunn <sarahrahduhn1@yahoo.com>

Date Mon 1/12/2026 8:42 PM

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Cc MCE Clerk <clerk@mcecleanenergy.org>

To: Board of Directors, Marin Clean Energy (MCE)

From: Keep Vacaville Safe

(Representing Over 1,500 Vacaville and Solano County Residents)

Date: January 12, 2026

Subject: **Formal Request to Cancel the Corby BESS Project Contract**

Dear Members of the MCE Board of Directors,

We represent more than 1,500 residents of Vacaville and Solano County who are united in their opposition to the Corby Battery Energy Storage System (BESS) project. While we support the transition to clean energy and the necessity of storage solutions, our priority is safety and the responsible siting of these projects. The Corby Project would be located in an unsafe and dangerous location, for these reasons we are opposed. MCE has a direct responsibility for the Corby Project as a financial benefactor in its development. We recognize there were errors in the approval of the Corby Project power purchase agreement that the board voted to approve on October 19, 2023. This is an opportunity to “right” the wrong.

We are formally requesting that the Board **cancel the Corby Project contract**. The contract should be canceled based on documented nonconformity with the MCE Joint Powers Agreement (JPA), violations of the Solano County General Plan, and material misrepresentations made during the contract approval process.

1. Responsibility as a Financial Benefactor

As a primary entity enabling the Corby Project through a long-term contract, MCE is a principal stakeholder and the project's financial engine. MCE cannot be removed from the environmental and safety consequences of a facility it has commissioned; therefore, the Board bears a direct duty of care to the residents of Solano County to ensure this project does not endanger our community or violate the land use policies of our county.

2. Violation of the MCE Joint Powers Agreement (JPA)

The MCE JPA explicitly requires that all projects comply with the General Plan of the local jurisdiction. Furthermore, the JPA does not currently list **battery storage** as an authorized source of energy. By proceeding with a project that ignores local land-use authority, and the specific provisions of its JPA, MCE is operating outside the scope of its founding agreement.

3. Nonconformity with Solano County General Plan and Measure T

The Corby site is situated on land zoned **Exclusively Agricultural**. This land is strictly protected by the following General Plan Policies: AG.P1, AG.P-4, AG.I-1, AG.P-15, AG.I-4, AG.P-31+AG.P-32(b), AG.P-18, AG.P-35. Additionally, a voter-approved initiative, Measure T was designed to prevent the industrialization of prime agricultural soil and has been in place for decades.

- **Land Use:** The General Plan has always limited the land NextEra purchased to use for agriculture and rural residential. Industrial BESS facilities have never been a permitted use.
- **Permitting Failures:** The Corby project never received a Conditional Use Permit (CUP). The applicant attempted to bypass restrictions by classifying the facility as a "utility" (akin to a power pole), yet they never completed the application with the County. Upon receiving pushback from Solano County, NextEra (owner operator of the Corby Project) is now attempting to bypass the county and apply at the state.

4. Misrepresentations During the October 19, 2023, Board Vote

The approval of the Corby contract was based on a presentation that we believe misled the MCE Board regarding the project's setting and viability:

- **Visual Misrepresentation:** The images shown to the Board depicted a desert-like environment. In reality, the site is protected agricultural land in close proximity to residential homes, senior community, and a major interstate highway.
- **Project Maturity:** Staff characterized the project as being at a "mature stage" with "all red flags eliminated." However, recent California Energy Commission (CEC) EIR Scoping meetings have identified *significant* environmental impacts that contradict these claims.
- **Lack of Transparency:** When a Board member specifically asked if local entitlements existed and if the community supported the project, the question remained unanswered prior to the vote. Additionally, the board member from Solano County was absent during the vote.

5. Public Safety and Environmental Risks

Locating an industrial-scale battery facility on agricultural land poses unacceptable risks of soil contamination and public safety hazards (fire and toxic runoff) to the surrounding community. MCE's mission of sustainability is undermined when a project threatens the very agricultural resources the local community has voted for decades to protect.

Please reject the contract:

The Corby project is legally inconsistent with local policy and was approved under a veil of incomplete information. We urge the Board to uphold the integrity of the JPA and respect the land-use laws of Solano County by canceling the Corby contract immediately.

Respectfully,

On behalf of the 1,500+ Residents of Vacaville and Solano County

The Leaders of Keep Vacaville Safe:

Sarah Dunn

Mike Geller

Deanna Cole

Carmen Martinez-Calderon

Wendy Breckon