



Notice of Preparation of a Draft Environmental Impact Report for the Potentia-Viridi Battery Energy Storage System

Date: August 29, 2025
To: Reviewing Agencies and Other Interested Parties
From: California Energy Commission (CEC)
Project Title: Potentia-Viridi Battery Energy Storage System (project)
Project Applicant: Levy Alameda, LLC, a wholly owned subsidiary of Obra Maestra Renewables, LLC
Docket Log: 24-OPT-04
NOP Review Period: September 3, 2025 to October 3, 2025

In accordance with California Code of Regulations, title 14, section 15082, California Energy Commission (CEC) staff has prepared this Notice of Preparation (NOP) to inform the Governor’s Office of Land Use and Climate Innovation (LCI) (formerly known as the Office of Planning and Research), and each responsible and trustee agency that an environmental impact report (EIR) will be prepared for the Potentia-Viridi Battery Energy Storage System (project), proposed by Levy Alameda, LLC, in Alameda County, on approximately 102 acres. A copy of this NOP will also be filed with the county clerk in the county in which the project would be located.

The CEC is the lead agency under the California Environmental Quality Act (CEQA) and, under Public Resources Code section 25545.7, is required to prepare an environmental impact report for this project.

In 2022, Assembly Bill 205 established a new Opt-In Certification Program for eligible non-fossil-fueled power plants, energy storage, and manufacturing and assembly facilities to optionally seek certification through the CEC. Upon receipt of an application, the CEC has exclusive authority to certify the site and related facility. With certain exceptions, the issuance of a certificate by the CEC is in lieu of any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency to the extent permitted by federal law, and supersedes any applicable statute, ordinance, or regulation of any state, local, or

regional agency, or federal agency to the extent permitted by federal law (Pub. Resources Code, § 25545.1).

Further information about the Opt-In Certification Program can be found on the CEC website at: <https://www.energy.ca.gov/programs-and-topics/topics/power-plants/opt-certification-program>.

Responsible and Trustee Agencies

Pursuant to the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15082(b)), the CEC requests LCI and responsible and trustee agencies' views on the scope and content of the environmental document relevant to each agency's area of statutory responsibility that must be included in the draft EIR. The only responsible agency identified for this project is the Central Valley Regional Water Quality Control Board (CVRWQCB). The only trustee agency identified for this project is the California Department of Fish and Wildlife (CDFW). At a minimum, the response shall identify:

- The significant environmental issues and reasonable alternatives and mitigation measures that the responsible or trustee agency, or the LCI will need to have explored in the draft EIR; and
- Whether the agency will be a responsible agency or trustee agency.

Due to the time limits mandated by State law, responses must be sent at the earliest possible date but not later than 30 days after receipt of this notice. Based on comments received by public agencies on the scope and content of the EIR, CEC staff may request additional information from the applicant to address such comments. If a responsible or trustee agency, or LCI, fails by the end of the 30-day period to provide the CEC with either a response to the notice or a well-justified request for additional time, CEC staff will presume that the entity has no response.

Document Availability

The CEC has a webpage for the Potentia-Viridi Battery Energy Storage System. The application and related project documents are viewable by clicking the "Docket Log (24-OPT-04)" link located near the upper right corner of the project webpage: <https://www.energy.ca.gov/powerplant/battery-storage-system/potentia-viridi-battery-energy-storage-system>

The direct link to the project docket log is:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-OPT-04>

Interested agencies or members of the public may also subscribe via the project webpage (linked above) to receive electronic notices of all project-related activities and documents related to CEC's evaluation of the application—look for the box with the words "SUBSCRIBE POTENTIA VIRIDI" to add your subscription email. Alternatively, you can go to CEC's subscription page (<https://www.energy.ca.gov/subscriptions>) under "Power Plants Licensing and Projects" and check the "Potentia-Viridi Battery Energy Storage" box under "Projects Under Review Topics."

Submitting Comments

Please submit comments electronically to the project docket. To use CEC's electronic commenting feature, go to CEC's webpage for this proceeding, (identified above), click on the "Submit eComment" link, and follow the instructions in the online form. If you have a file you would like to submit, use the "Submit e-filing" link. Be sure to include the project name in your comments. Once filed, you will receive an email with a link to them and the comments will be part of the proceeding's public record.

Project Location and Existing Conditions

The site of the proposed project would be in Alameda County, California within a portion of Assessor Parcel Number (APN) 99B-7890-002-04, at 17257 Patterson Pass Road, southwest of Interstate 580 and Interstate 205. The battery energy storage system (BESS) facility and a portion of the 500 kilovolt overhead intertie transmission (gen-tie) route is within the United States Geological Survey 7.5 minute Midway Quadrangle, Township 2S, Range 4E, Section 31, and the remainder of the gen-tie route and Pacific Gas and Electric (PG&E) Tesla Substation is within Township 2S, Range 4E, Section 32.

Out of the total 102-acre project area, development of the BESS facility would be within a 70-acre leased portion of the parcel, which currently consists of fallowed annual grasslands suitable for grazing. Of the leased area, approximately 58.8 acres would be permanently disturbed for development of the BESS facility. Of the 32 acres evaluated for the gen-tie study area, 1.9 acres are expected to be permanently disturbed for installation of the transmission and interconnecting facilities, with 6.7 acres of temporary disturbance, yielding a total of 60.7 acres within the approximately 102-acre project area to be permanently disturbed as

part of implementation. The gen-tie line would extend southeast from the project substation, crossing Patterson Pass Road, and then proceed east to the Point of Interconnection at the Tesla Substation, approximately 500 feet east of the project site (an approximately 2,500-foot run). The project's gen-tie line would be sited on APNs 99B-7890-2-4, 99B-7890-2-6, and 99B-7885-12.

Land uses in the immediate vicinity of the project include undeveloped rural agricultural lands, multiple high-voltage transmission lines and electrical substations, rural roads, and railroad lines. The nearest municipality to the project site is the City of Tracy approximately 2.5 miles to the northeast. There are a few single-family residences near the Tesla Substation's southern and eastern boundaries. The nearest residence is about 1,500 feet southeast of the project site and 560 feet south of the proposed gen-tie line and it is owned by the same landowner leasing the property for the project.

Project Description

The primary components of the BESS facility include an operations and maintenance (O&M) building, a project substation, the gen-tie line, and interconnection facilities within the PG&E owned and operated Tesla Substation. The energy storage facility would utilize modular and containerized components to operate a 400-megawatt (MW) BESS with an energy storage capacity up to 3,200 MW-hours. The project would draw electricity from the power grid to charge and store electrical energy and discharge back to the power grid when the stored energy is needed.

The BESS enclosures would be prefabricated off-site and arrive at the site ready to be installed and commissioned. Each modular BESS enclosure would include battery packs on racks, a battery management system, fire protection, and ancillary power electronics within a specialized steel-framed, non-occupiable container. The BESS enclosures would approximate 10-feet high, and may have a heating, ventilation, and air conditioning (HVAC) system for optimal performance and safety. Power for the HVAC system, lighting, and other electrical systems would be provided through separate auxiliary power connection to the on-site project substation with connection lines installed above and/or below ground.

Due to the continuous improvement of energy storage systems, a specific manufacturer and model is undetermined at the time of this notice; however, the

initial project concept was developed proposing lithium iron phosphate (colloquially referred to as “lithium-ion”) technology.

For more details about the project, DR Response 2- Attachment 7, Revised Section, Project Description TN 261401, at the following link:
<https://efiling.energy.ca.gov/GetDocument.aspx?tn=261401&DocumentContentId=97784>.

Probable Environmental Effects

The CEC will prepare a Staff Assessment (SA). The SA will include a Draft EIR following the requirements of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code of Regs., tit. 14, div. 6, ch. 3). The purpose of the SA, which will include a draft EIR, is to provide objective information regarding the project’s significant effects on the environment, identify possible ways to minimize the significant effects, describe reasonable alternatives to the project, assess the project's conformance with applicable local, state, and federal laws, ordinances, regulations, and standards, and provide an evaluation of the extent to which the application complies with additional licensing requirements set forth in the Public Resources Code. This information will be considered by the CEC Commissioners in deciding whether to grant a certificate to build and operate the project. The SA will include an Engineering Evaluation, Environmental Impact Assessment, assessment of the Mandatory Opt-In Requirements, and evaluation of Other Key Topics as identified in **Table 1**.

Table 1: Staff Assessment Topic Outline

Proposed Section	Topics Included
Engineering Evaluation	<ul style="list-style-type: none">• Facility Design• Facility Reliability• Transmission System Engineering• Worker Safety and Fire Protection
Environmental Impact Assessment	<ul style="list-style-type: none">• Air Quality• Biological Resources• Climate Change/Greenhouse Gas Emissions• Cultural/Tribal Cultural Resources• Efficiency/Energy Resources• Geology/Paleontology/Minerals• Hazards/Hazardous Materials/Wildfire• Land Use/Agriculture/Forestry• Noise and Vibration• Public Health

	<ul style="list-style-type: none"> • Socioeconomics • Solid Waste • Transmission Line Safety and Nuisance • Transportation • Visual Resources • Water Resources • Alternatives Analysis
Mandatory Opt-In Requirements	<ul style="list-style-type: none"> • Workforce Requirements • Community Benefits Agreement • Net Positive Economic Benefit
Other Key Topics	<ul style="list-style-type: none"> • Environmental Justice • Compliance Conditions • Compliance Monitoring

Preliminary review of the application and other filed information indicates the following probable environmental effects:

Air Quality

The project site is within the boundaries of the San Francisco Bay Area Air Basin (SFBAAB) under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The project area is currently designated as a non-attainment area with respect to National Ambient Air Quality Standards and California Air Quality Standards for ozone and particulate matter of 2.5 micrometers and smaller in diameter (PM2.5), and California Air Quality Standards for particulate matter of 10 micrometers or less (PM10).

Construction of the project is estimated to require 15 months to complete. Project operation of the two emergency backup diesel generators would also result in criteria air pollutant emissions. Construction and operational emissions are not anticipated to exceed the significance thresholds set by the BAAQMD. CEC staff will evaluate the significance of the ambient air quality impacts of the project based on an air quality impacts assessment.

The EIR will evaluate whether the project would result in potentially significant air quality impacts including compliance with the applicable air quality plan; result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under any ambient air quality standards; expose sensitive receptors to substantial pollutant concentrations from criteria pollutants; and/or result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Biological Resources

CEC staff anticipates that project construction and operation could have a potentially significant impact on biological resources. Specifically, impacts could affect Patterson Run creek and various special-status plant and wildlife species, including state and federally listed species. Ground disturbance proposed as part of the project could have adverse impacts to sensitive plants and animals, such as Big tarplant (*Blepharizonia plumosa*), California red-legged frog (*Rana draytonii*), California tiger salamander (*Ambystoma californiense*), Crotch's bumble bee (*Bombus crotchii*), burrowing owl (*Athene cunicularia*), golden eagle (*Aquila chrysaetos*) and San Joaquin kit fox (*Vulpes macrotis mutica*) and their habitats. Increased levels of human presence, noise, and fugitive dust could also adversely affect nesting birds along with other sensitive wildlife individuals, burrows, and dens if present within or adjacent to construction work areas. Operational impacts from increased noise and human presence and the installation of lighting could adversely affect wildlife use and movement through the area.

The applicant has proposed various mitigation measures to reduce the severity of any such impacts, including, but not limited to, implementing work window restrictions, conducting preconstruction surveys for special-status plants and wildlife, requiring worker environmental awareness training to all project staffing, biological monitoring, implementing construction site best management practices, and providing compensatory habitat mitigation. Staff will evaluate the adequacy and effectiveness of these measures and anticipates drafting additional measures based upon independent research and coordination with the CVRWQCB, CDFW, and the United States Fish and Wildlife Service.

Cultural Resources and Tribal Cultural Resources

The cultural resources inventory report prepared by the applicant did not identify any archaeological or built environment resources that meet the California Register of Historical Resources (CRHR) criteria as historical resources. However, there is still a possibility that the project will impact cultural resources. The inventory suggests there is a low to moderate potential to encounter buried archaeological deposits and unknown human remains in the project site.

Ground disturbance proposed as part of the project could encounter and damage buried resources that meet CRHR's criteria for historical resources, likely resulting in a significant impact under CEQA. The applicant has proposed mitigation measures to reduce the severity of any such impacts, including worker

awareness training and implementing a discovery protocol. CEC staff will evaluate the adequacy and effectiveness of the applicant's proposed mitigation.

For tribal cultural resources, CEQA requires the lead agency to consult with tribes to identify such resources and assess potential impacts. The CEC has sent invitation letters offering to consult with all tribes traditionally and culturally affiliated with the project area. Impacts on tribal cultural resources have not been determined at this time.

Geology, Paleontology and Minerals

The project is in the northeastern part of the Diablo Range, a mountain range in the Coast Ranges geomorphic province of California and is near the western border of the Central Valley geomorphic province. The applicant conducted geotechnical, geophysical, and paleontological investigations of the project site to determine rock types fully described in the project application materials. The project is sited on Holocene alluvium and the Miocene Neroly Formation. Potential load-bearing layers in the Miocene Neroly Formation have shrink-swell potential. The applicant proposes mitigation through design, grading, and construction to reduce hazards from expansive soils to less than significant.

The project is not in an Alquist-Priolo Earthquake Fault Zone; however, it is in an area that the California Geological Survey has not evaluated for Earthquake Zones of Investigation. Potential geological hazards that may require mitigation include seismic shaking, seismic related ground failure, including liquefaction and slope failure, soil erosion, and expansive soils. The project is sited on geologic units or soils that may become unstable because of the project and require mitigation. There are at least eight active and twelve potentially active faults within 25 miles of the project.

During construction, excavation, grading, and soil compaction may increase soil erosion. The applicant proposes mitigation through design, grading, and construction, including stormwater management, to reduce soil erosion hazards to less than significant.

Paleontological resources could be encountered during construction activities where native soil and rock formations would be disturbed, such as grading, trenching for utilities, excavation for foundations, and installation of support structures. The project owner's paleontological investigation utilized online

paleontological collection databases, consulted primary literature, and conducted a field survey of the project site.

The applicant proposes mitigation through planning, training, and monitoring to reduce impacts on unique paleontological resources that could occur during construction to less than significant.

Hazards, Hazardous Materials, and Wildfire

The project would use hazardous materials during construction typical for construction projects and small quantities of hazardous materials during project operations that could pose a risk to workers and the public. The Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB) compile and update lists of hazardous material sites pursuant to Government Code section 65962.5. The project site is not included as the location of any hazardous material sites on the Cortese list databases maintained by the DTSC's Envirostor or the SWRCB's Geotracker.

The project site is in unincorporated Alameda County and would be subject to wildland fires and operation of the proposed BESS facility could increase the risk of wildfire. Staff will assess this potential risk and propose engineering and administrative controls, as well as enhanced emergency response, to reduce this risk.

Land Use

The project site is classified as Grazing Land and is not classified as an Important Farmland category. The proposed project would be located on property under a Williamson Act contract, which protects agricultural lands and open space from many types of development. Staff will evaluate whether there is a potential conflict with the property's Williamson Act contract. No other potential impacts to land use are anticipated.

Noise and Vibration

The noise levels associated with temporary project construction activities could result in potentially significant impacts. Potential impacts could include excessive noise at the project's noise sensitive receptors during specific construction activities. No significant noise and vibration impacts associated with project operation are anticipated. The CEC staff will evaluate potential noise and vibration impacts and, if necessary, recommend conditions of certification to

ensure significant noise and vibration impacts are reduced to less than significant or eliminated.

Public Health

The project site is within the boundaries of the SFBAAB under the jurisdiction of the BAAQMD.

Construction of the proposed project is estimated to require 15 months to complete. Construction activities could result in emissions of toxic air contaminants (TACs), primarily from diesel equipment, haul trucks, and vendor trucks. CEC staff will evaluate these potential impacts through a health risk assessment and assess the effectiveness of proposed dust control and diesel emissions reduction measures.

Similar to construction, TACs emitted from the emergency backup diesel generators during readiness testing and maintenance purposes have the potential to result in significant impacts during project operation. In addition, potential fire or thermal runaway event in the BESS could release TACs. CEC staff has not completed its analysis of the significance of the project's potential construction or operational impacts and is yet to reach a definitive conclusion. The EIR will discuss whether the project would expose sensitive receptors to substantial pollutant concentrations of toxic air contaminants during construction, during readiness testing and maintenance of the emergency backup diesel generators, and during a potential BESS fire and propose mitigation measures when necessary to reduce any health risks.

Socioeconomics

The project site is in eastern Alameda County and located on land that would be subject to wildfire. Operation of the proposed BESS facility may increase the potential for fire in the event of a thermal runaway incident.

Staff will evaluate the potential socioeconomic impacts associated with fires at the proposed BESS, including the extent to which such an event could place additional demands on emergency response services, particularly the closest California Department of Forestry and Fire Protection and Alameda County Fire Department fire stations, located approximately 4 miles east and 7.5 miles southwest of the project site respectively.

Solid Waste

Solid waste generated during project construction and operation would be recycled to the greatest extent possible. Non-hazardous solid waste would be recycled or disposed of at a Class II/III facility. Third-party vendors would be contracted to manage the handling and disposal of the solid waste. Solid waste that is not recycled would be disposed at either the Altamont Landfill & Resource Recovery, Class II/III Facility (SWIS No. 01-AA-0009), or the Vasco Road Sanitary Landfill, Class II/III Facility (SWIS No. 01-AA-0010).

CEC staff will evaluate project impacts on local landfills and recycling facilities and identify mitigation measures if necessary.

Transportation

The project would generate a nominal amount of vehicle trips during on-going operations; however, during the construction period, project-generated traffic may result in violations of the prevailing level of service standards on county and Caltrans roadways. Caltrans and the city of Tracy are in the process of reconstructing the I-580/Patterson Pass Road interchange and that improvement project is expected to be complete by August 2026, prior to project construction. If the interchange improvement is not completed prior to project construction, unacceptable queueing impacts onto the freeway mainline may result with the addition of project construction traffic. It is anticipated that these impacts can be mitigated by staggering work shifts and minimizing construction travel during the weekday morning and evening peak hours. It is anticipated that the project will be required to prepare and implement a Construction Traffic Management Plan to address the movement of workers, vehicles, equipment, and materials, including arrival and departure schedules, carpooling, a parking/staging plan, and designated workforce and delivery routes.

Visual Resources

Operation of the proposed project—including battery enclosures, power conversion systems, project substation (e.g., switch gear, power transformers, lightning arresters), operations and maintenance buildings, a 10,000-gallon fresh water cistern, a 30,000-gallon fire water storage tank, a gen-tie transmission line with tubular steel poles (up to 199 feet tall), and security fencing—could result in potentially significant impacts on visual resources. The aesthetic effects of the project would be evaluated from publicly accessible vantage points throughout

the region to ensure a representative assessment of the potential physical changes to the visual environment.

Based on a review of the application and preliminary field analysis, the proposed project is not likely to result in a significant aesthetic impact to public views from a scenic vista, or scenic resource, including a designated State Scenic Highway. However, because the project is in a non-urbanized area, it may substantially degrade the existing visual character or quality of public views of the site and its surroundings. Public views are defined as those experienced from publicly accessible vantage points. The contrast introduced by the above-ground components of the proposed project (e.g., buildings, structures, equipment) within the existing physical environment—both on the site and from publicly accessible vantage points in the region—would likely result in a significant aesthetic impact. It is unlikely that these impacts could be mitigated to a level considered “less than significant” under CEQA and the CEQA Guidelines, even with implementation of CEC staff recommended aesthetic-related Conditions of Certification.

It is also likely that the night lighting and glare associated with the project would significantly affect daytime and nighttime views in the vicinity. However, with effective implementation of staff-proposed Conditions of Certification, the effects would likely be mitigated to a level considered “less than significant” under CEQA.

It is also likely that the project would be in non-conformance with several local government ordinances and policies related to the preservation and enhancement of aesthetic resources.

Water Resources

Project construction would disturb approximately 60.7 acres of land (both temporary and permanent) and would therefore be subject to construction-related stormwater permit requirements of California’s National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) administered by the State Water Resources Control Board. During project operations, stormwater runoff within the project facility would be controlled using drainage ditches and low impact developments such as detention and bioretention basins. Most of these basins would outfall to

riprapped outlets along the project perimeter. Two of the detention basins would flow from an outlet riser into a storm drain that would outfall to Patterson Run.

Water for the project would be supplied by the Alameda County Flood Control and Water Conservation District (Zone 7 Water Agency) and transported to the site. Water demand for dust suppression, soil compaction and grading during project construction is estimated at 49 acre-feet (AF) over an 18-month period. Water demand during project operation to support the O&M building is estimated to average about one AF per year.

During construction, sanitary facilities consisting of portable toilets would be supplied and maintained by a third-party vendor. During project operation, sanitary waste from the O&M building would be collected in two 5,000-gallon aboveground holding tanks, periodically pumped out and disposed off-site by a third-party vendor.

CEC staff will evaluate project impacts on water resources and identify mitigation measures if necessary.

Worker Safety and Fire Protection

Industrial environments pose inherent safety and health risks to workers during construction and operations, such as fire risk. Worker safety and fire protection are regulated through laws, ordinances, regulations, and standards, at the federal, state, and local levels. Workers at an energy facility operate equipment and handle hazardous materials and may face hazards that could result in accidents or serious injury. Protective measures are employed to eliminate or reduce these hazards or to minimize the risk through special training, protective equipment, and procedural controls. The project would use standard construction hazardous materials and small quantities of hazardous materials during project operations that could pose a risk to workers. Operation of the proposed BESS facility could pose a risk of fire if a thermal runaway in a battery cell, module, or unit occurred. CEC staff will assess this potential risk and propose engineering and administrative controls, as well as enhanced emergency response, to reduce this risk.

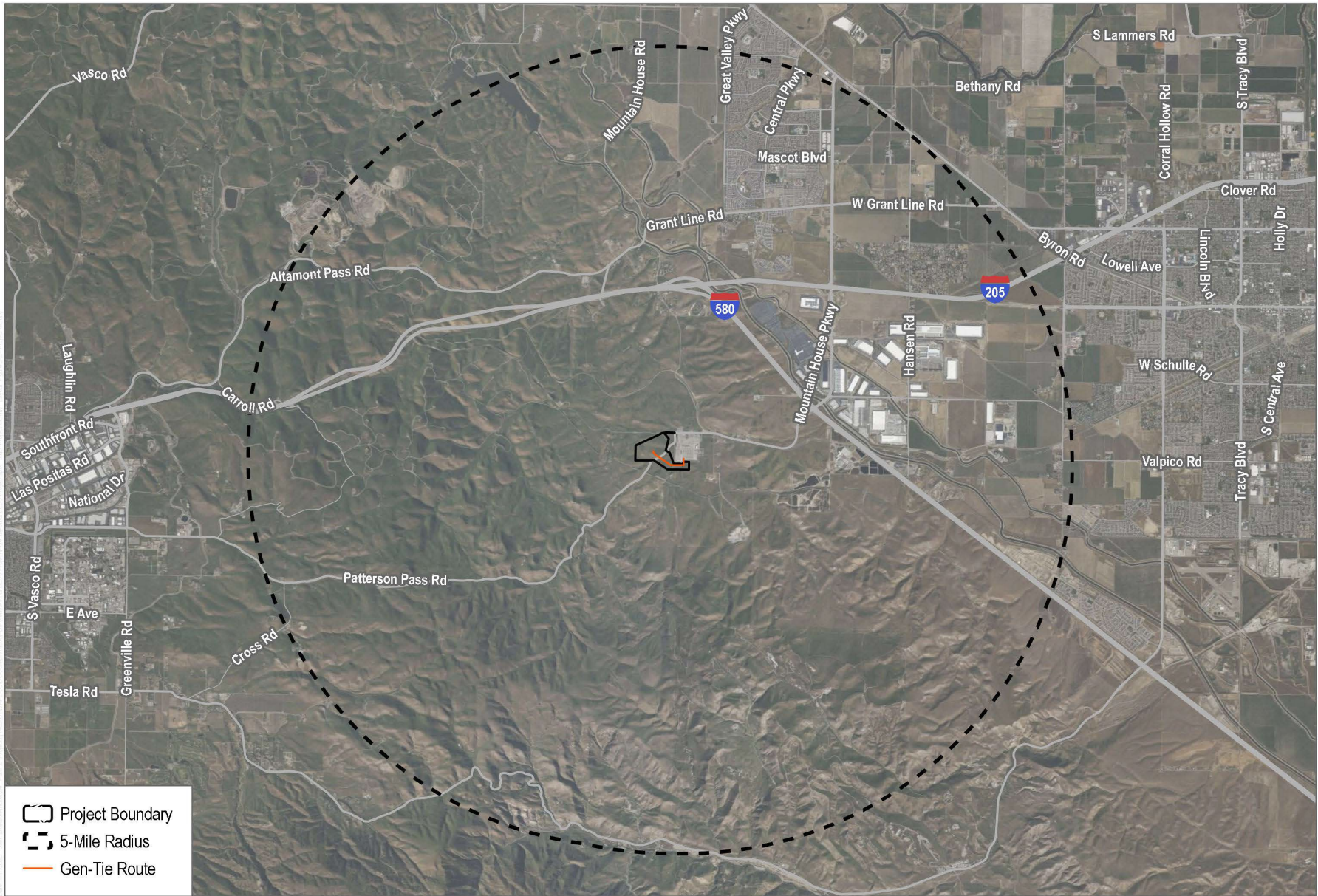
Public Scoping Meeting

The Opt-In Certification process requires a public informational and scoping meeting to be held as near to the project site as practicable, and within 30 days of CEC's determination of a complete application on August 29, 2025 (TN 265819). The CEC expects this event to occur by the end of September pending

confirmation of the venue and the availability of key participants. The informational/scoping meeting will be noticed via the project docket (weblink provided above) at least 10 days prior to its occurrence and will contain information specific to the public meeting and how to participate.

Attachments:

1. Figure 3-2, Project Site Vicinity (From Revised Data Response 2, Fig. 2-2, Dudek, TN 261401)
2. Figure 3-1, Project Regional Map (From Revised Data Response 2, Fig. 2-1, Dudek, TN 261401)



SOURCE: Bing Maps 2023

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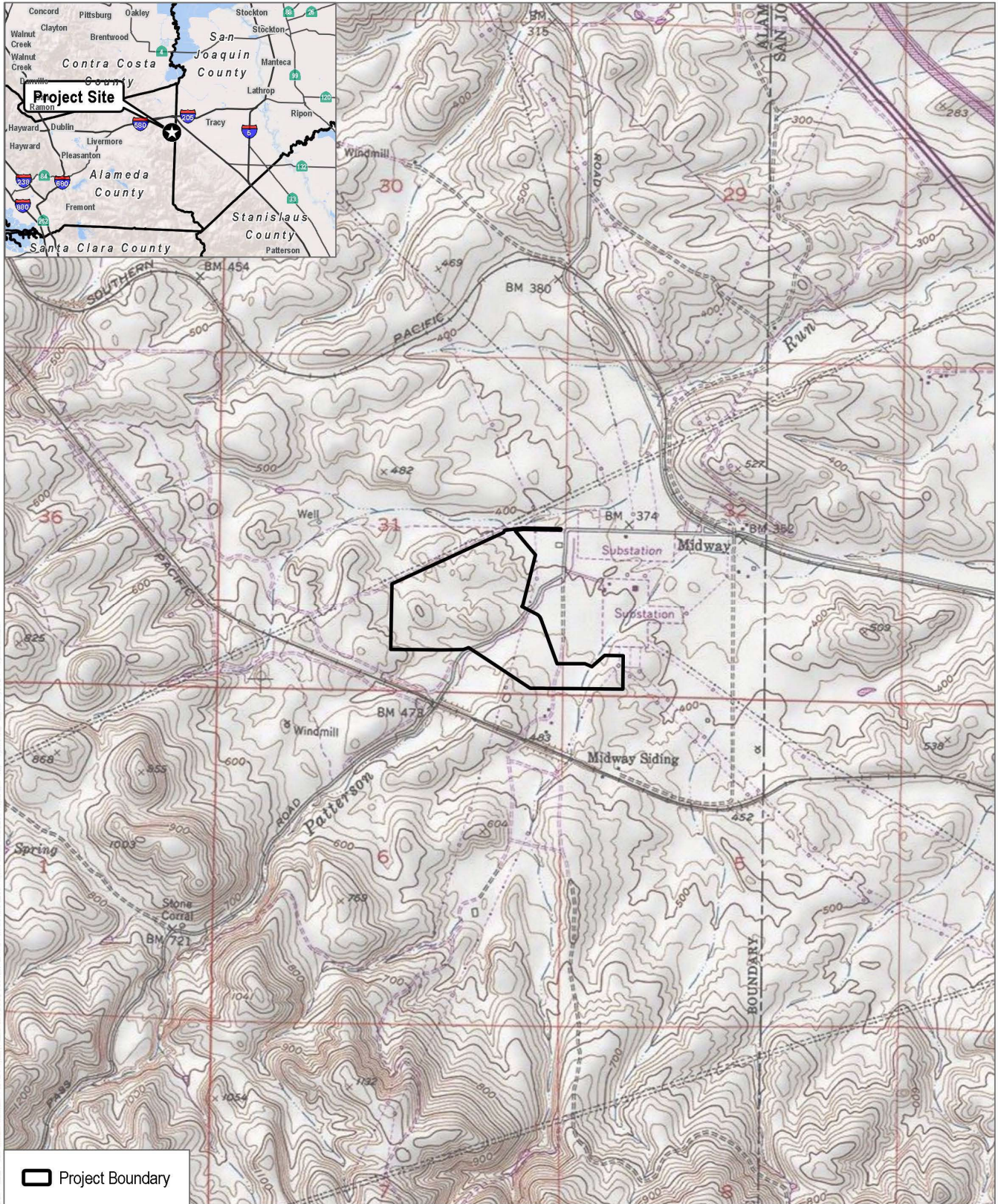
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Source: Revised DRR-2, Fig 2-2, Dudek, TN 261401

FIGURE 3-2

Project Vicinity

Potentia-Viridi BESS Project



SOURCE: USGS 7.5 Minute Quadrangle Series
 Midway Quadrangle - Township 2S Range 4E Section 31, 32

Source: Revised DRR-2, Fig 2-1, Dudek, TN 261401



FIGURE 3-1
Regional Map

Potentia-Viridi BESS Project