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Gentlemen,

I am contacting you because I am trying to get information that, in my opinion, should be A: available and B: public record.

In April 2019, there was a fire and an explosion in an AES BESS facility in Surprise, Arizona. In July 2020, the McMicken Technical Analysis became available and became public record.

In April 2022, there was another fire in an AES BESS facility in Chandler, Arizona. I have not been able to find any report or technical analysis about what caused that second fire. From 2022 on I asked AES if they could provide me with information. The usual answer was that the fire was still being investigated. In August 2022, I came in touch with the late Dennis McQuillan, who introduced me to EPCRA.

At this point I would like to explain the attached pdf document “EPCRA email history”. It contains almost 2 years of emails with public servants from New Mexico and Arizona. In between the emails there are comments in red which I added recently for clarity. The email thread shows the unfamiliarity of public servants with certain aspects of federal law and/or an unwillingness to provide the public, me, with information I am entitled to.

When my quest to find an emergency response plan at the Santa Fe Fire Department proved fruitless, I realized that Arizona, having to deal with 2 AES BESS fires in 3 years, would have experience with EPCRA, if not after the first fire, surely after the second.

That is how I, in November 2022, came in contact with Arcangel Barragan, Emergency Response Unit Manager, who was listed as the Arizona SERC contact. He confirmed that Lithium-Ion batteries have their own information sheet form the EPA and that such facilities have to abide by the EPCRA reporting requirements. He was even able to tell me that the AES Chandler facility did report an emergency release notification. He also revealed that both in the Surprise fire as in the Chandler fire the Fire Department was not made aware of the presence of a BESS, which is a clear violation of EPCRA. When I asked for a copy of the emergency release notification, that is when the deflecting began.

In September of 2023 I filed a public records request with the city of Chandler, which told me I had to contact Maricopa County. They replied I had to reach out to either the City of Chandler Fire Department or the Arizona Department of Environment Quality (ADEQ). The Maricopa County Department Emergency Management directed me to the Maricopa County of Air Quality.

Repeatedly I was told their department was not the custodian of the records requested and they did not know which government agency was the custodian. Finally, ADEQ Records Management Center pointed to the Emergency Response Unit Manager, Arcangel Barragan.

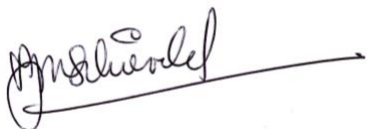
Arcangel Barragan was the person I started with in the first place, almost a year earlier. This time his answer was: "There were no EPCRA reports filed for this incident due to the current regulations at the time of the incident, there was no requirement." He informed me that the investigation was still underway and he would keep me in the loop. I pointed out that he was incorrect and that since 2013 large commercial type batteries are not exempted, are not considered "articles" and that such facilities have to abide by the EPCRA reporting requirements. I also wondered what happened to his first statement that AES did file an emergency release notification, which he now denied. I never heard back.

By that time, I came into contact with Mr. Blay, Santa Fe County Fire Department, Assistant Chief - Fire Marshal. I asked him about any report regarding the Chandler fire. He was not aware of any report. I asked them if he was willing to contact the Chandler Fire Department to get a copy and share that with me. He declined "In an effort for our fire department to remain neutral." I do not understand why neutrality is an issue. I am not blaming any Fire Department, I just want everybody to be safe, and for that we need to understand what went wrong.

AES is known for a lack of transparency as is substantiated by the fact that after the first fire, in which first responders suffered injuries, some severe, AES still failed to inform the Fire Department and County properly. Our house will be closest to AES' newest endeavor and I have a right to know what went wrong in their previous facilities. AES has to abide by the rules and one rule is that when something went wrong they have to file at least two reports. We need to learn the lessons from the past. Furthermore, I do not understand why there is such a reluctance to force AES to comply.

You as the SERC have that authority. I hope you will use that authority to pressure AES or the Fire Department or any agency involved to share any findings relating to the Chandler fire and consequently share them with the public, e.g., me.

Regards,

A handwritten signature in dark ink, appearing to read "Dr. Selma Eikelenboom-Schieveld", with a long horizontal line extending to the right.

Dr. Selma Eikelenboom-Schieveld MD PhD
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cc: Jaome R. Blay, Santa Fe County Fire Department, Assistant Chief - Fire Marshal
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