

Statement for HO meeting Dec 4, 2024

When AES met in July 2019 with County Staff to make them aware of this project, Staff should have denied their request immediately for the following reason:

The Sustainable Growth Management Plan is the guideline for the Sustainable Land Development Code. Any policy planned in the Code must be consistent with the Plan. In 2015, it was stated in the Plan and I quote: “The scale for the integration of solar technology varies from residential to commercial. The potential for large-scale electric generation facilities exists within Santa Fe County”.

To ensure that large-scale electric generation facilities would not interfere with preservation of the integrity of the landscape both the Plan and the Code are quite clear: a gas or electric power generation facility is not permitted within a Rural Fringe zone, differentiating between residential, commercial and large-scale electric facilities. Therefore, there was no reason to even consider the AES proposal.

In a virtual public meeting on October 22, the County Officials wanted to show that this project was not inconsistent with the purposes of the property’s zoning classification. The County manager wrote a letter dated July 24, 2023, to the San Marcos Association. During the virtual meeting that letter was put forward as prove that the project was allowed as the letter stated that the Board of County Commissioners wished to have large scale solar with BESS as a conditional use permit.

However, in that letter, large scale solar with BESS is not even mentioned. This is an indication of how County Officials try to push through this project bypassing the stricter regulations. And it goes even further: Resolution no. 2023-093, introduced by Commissioners Hughes and Hamilton and signed by Commissioner Hansen on September 26, 2023, just 2 months after the letter to the San Marcos Association, directed staff to engage with experts regarding commercial solar and setting up a website. This resolution does not mention large scale solar either. So, we as residents, are incorrectly informed and make to believe the County Commissioners are OK with this.

The bypassing of the stricter regulations is also noticeable in the strained effort to create all commercial solar faculties equal. But just because a cow is an animal, does not make all animals cows. All industrial-scale solar facilities are commercial, but not every commercial solar facility is an industrial facility. PNM makes a difference between them, so does the PRC, the scientific literature and the Industry. The only ones in denial are the County Officials.

I can understand that Staff is not inclined to go against certain Officials wishes. That is why we have hearings like this, with independent Officers. However, on September 21, 2024, Mr. Ashley Schannauer filed a motion with you to intervene, to be an active part of these procedures. On October 16, in an email to County Staff member Sisneros you attached the Order on that motion, granting Mr. Schannauer standing. That was your prerogative, that is the authority you have. Within 2 hours Sisneros replied telling you not to send that order and that a meeting needed to be planned with the legal department.

On October 28, still no meeting was planned and you inquired if there was an issue with your order and that since then you had received an additional motion from another Eldorado resident, being me. In my motion (Eikelenboom-Schieveld), I clearly stated I live in Rancho San Marcos and not Eldorado, which is a big difference. Up until then, there was no formal request from anyone in the San Marcos area.

On November 18, you wrote an order on who to grant standing: neither Mr. Schannauer nor myself were included. This raises questions about improper influence from County Officials and undermines the trust we as residents have in the system.

Public participation is an essential part of these proceedings. Yet, the pre-application neighborhood meetings organized by AES and by the County were disastrous. Some ended in screaming matches, questions were insufficient answered or not addressed at all. In the Final Memo provided by Staff just days ago, it is mentioned: "AES addressed most questions and comments the best they could". Is that measure acceptable to the County? People were allowed to ask one question in a time frame of a few minutes. The written answers provided by AES were mostly insufficient at best.

The same applied to the so-called public meetings organized by the County. The decision to hold these meeting virtually meant that the County controlled the narrative by allowing 1 question with a 2-minute time limit and even though there was time left not allow a second question. The answers provided on written questions were riddled with misinformation, like pointing to the County manager who pointed to the County Commissioners as being the ones who approved this use, while the evidence does not support those statements. This is not the level of public participation as demanded by the Sustainable Growth Management Plan.

Another painful issue is the Environmental Impact Report. The first review on that AES report did not turn out well for AES. The second review performed by Glorieta Geoscience, anticipated to be available Dec 2nd, is still not available on the County website. How can Staff conclude all criteria for the CUP have been met? Although dated December 4, the Staff Final Memo became available around November 28. This shows the obvious bias, the "done deal" state of mind of the County and the disrespect towards the residents. Our opinion does not matter.

However, the biggest affront is the so-called Hazard Mitigation Analysis. It was supposed to be tested against the latest standards, but the update to that standard, Annex G - developed because of the incidents with battery storage systems -, is left out of the testing. This creates a false sense of safety, it misleads the County and the residents.

The tests results are shrouded in secrecy, essential numbers are redacted, essential reports withheld. For as far as can be deduced, what Staff is reporting in their Final Memo, is in straight contradiction of the test results. Staff reported: "The UL 9540A tests of this system indicate adequate prevention of thermal runaway".

This is a 4-level test. When looking at the redacted UL 9540A test report, testing at **cell level** resulted in thermal runaway with flammable gas release. The performance criteria are to have neither.

Module level testing revealed that thermal runaway in one cell spread to other cells, resulting in explosion, and flying debris. Here the performance criteria are that a thermal runaway stays limited to one cell and that there will be no explosion.

Unit level testing is supposed **not** to cause flaming and explosion outside the unit, which it did. The **installation level testing**, in which a direct injection of a cooling agent was used, showed that the thermal runaway was kept limited to one cell.

During the testing the wall temperature must not exceed 97°C which is 175°F, because around that temperature cell failure, independent of what caused the failure, can easily progress to thermal runaway. As was to be expected, in the results the wall temperatures were redacted. I fail to see how a temperature can be designated a trade secret.

It is extremely worrisome that Staff reported: “The UL 9540A tests of this system indicate adequate prevention of thermal runaway”, when it is clear such was not the case, and it is not even possible to prevent a thermal runaway. The best we can do with current technology with Li-Ion batteries is to prevent it from spreading.

The fact that the Fire Department, the Fire Marshal and County Staff are not alarmed by these results is consistent with the incomprehensible interpretation of the regulations surrounding this project. All is aimed at granting the permit.

The Emergency Response Plan developed by AES is abysmal, basic information is not provided, setting first responders up for accidents and injury. For instance, per the International Fire Code, on the outside of the containers there are supposed to be horns and special lights with different colors for gas detection and fire alarm. These are not provided for in the Emergency Response Plan. Also, in the checklist (7 steps) before entering a site, there is no sentence like “DO NOT OPEN CONTAINER DOORS - EXPLOSION HAZARD MAY OCCUR”.

These recommendations are from the Atar Fire review, which the Fire Department and Staff based their validation for a permit on. In addition to those 2 issues, Atar has 91 other issues that must be satisfactorily addressed. They vary from minor till major major.

For instance, the Draft UL 9540 report. System-level standards like UL9540 are proof of concept that the many components that form a battery storage system will work together safely. Atar asks AES to provide two documents for review: the FMEA for UL 9540 and the UL 60730-1 Evaluation.

FMEA stands for Failure Mode and Effects Analysis (FMEA) which is a method used to identify potential failures in a product or process, assess their impact, and prioritize actions to mitigate risks.

The UL 60730-1 standard is a certification for automatic electrical controls used in industrial applications. This standard focuses on ensuring the safety and reliable operation of automatic controls.

So, obviously Atar Fire did not have possession of these two important documents. It means we cannot assume this system is safe until these reports are reviewed.

Atar Fire failed to point out that Annex G was not included in the testing, and failed to state that the short comings in the testing should be resolved **before** granting a permit. They accepted a draft copy of the UL 9540 report, stated that certification is not complete and that completion of this project is contingent upon successful UL 9540 certification. They should have had the courage to point out that successful UL 9540 certification needs to be part of the permit.

AES cannot be trusted to solve the 93 issues brought up by the HMA and Fire review. They have proven in the past not to abide by the Emergency Planning and Community Right to know act, a federal law, and since 2000 AES has paid almost 40 million in penalties for environmental and safety offences. They still refuse to be transparent about their three fires in the last 5 years in Arizona and California.

Efforts to engage with the County through letters and motions were fruitless. The County does not want to be held accountable and just ignores comments that do not serve their purpose. One of the reasons the Sustainable Growth Management Plan was brought to live was because “Problems with variance and loopholes in the existing Code has undercut comprehensive growth management and promoted uncertainty and mistrust among residents and developers. Now, 10 years down the road, we are still in that same position.

Dr. Selma Eikelenboom-Schieveld
227 San Marcos Loop
Santa Fe