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ACTON TAKES ACTION CHAIR, RUTH BROCK'S CORRESPONDENCE LETTER TO CA STATE ASSEMBLY MEMBER DAWN ADDIS AND MONTEREY COUNTY SUPERVISOR GLENN CHURCH

*Most of you have heard of the VISTRA BESS fire incident that occurred in Moss Landing last week.*

*Their CA State Assembly Member Dawn Addis and Monterey County Supervisor Glenn Church have been providing a strong response to the gravity of this incident and to what will happen moving forward.*

*Both have gone on record requesting this facility remain offline until such a time it can assure the County of its safety.*

*I have reached out to both Assembly Member Addis and Supervisor Church. You can read my letter below. Please note that I have not included several links to articles and research mentioned in the letter.*

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Dear Supervisor Church and Assembly member Addis,

Thank you for your tremendous response and show of leadership on the Vistra BESS fire incident at Moss Landing on Jan. 16th. I have been following this incident closely and carefully watching the response of local first responders, and that from County and State officials. I'm happy to see that your response goes beyond the immediate incident and is questioning the deployment and safety of this lithium-ion battery technology going forward in utility scale applications.

I am a representative of a small rural town called Acton in Unincorporated Los Angeles County who is in the crosshairs of several very large BESS projects, one of which has already been approved by LA County. We are presently challenging this approval in LA County Superior Court raising that the County has abused its discretion and acted contrary to CEQA and its own Zoning Code and LA County General Plan.

Over the past 19 months we have amassed a tremendous amount of research, reports, white papers, regulatory information, prior incident records and safety information. I am happy to share any resources I have if you and the community you serve wish to hold Vistra's feet to the fire.

Lithium-ion batteries are inherently fire prone. Even a perfectly manufactured, installed and maintained lithium-ion battery can fail if any of the supporting systems malfunction. These supporting systems can include Battery Management Systems, Thermal Management Systems, Fire Suppression Systems and HVAC Systems.

The UL9540a test methods used on utility scale batteries actually find a battery to be certifiable under UL9540 as long as they do not burn beyond the unit in which they are contained. So this means UL does not recognize battery reaction, fire and thermal runaway to be a criteria indicating a battery does not meet certification requirements. This testing is performed at a maximum windspeed of 12 mph so as not to create a cooling affect on the batteries and alter testing outcomes. At the same time, this 12mph maximum windspeed does not represent a "worse case scenario" in a real-life online battery storage facility.

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The Vistra was reported to be using LG ESS batteries which are indeed UL certified under UL9540.

These batteries were also being used in the Marengo BESS in Cook County, Illinois. In 2023, the Marengo developer had filed a \$10M lawsuit due for receiving what they believed were defective batteries which had caused at least two thermal runaway incidents. Even replacement batteries shipped out by LG proved defective causing the facility to go off-line for an extended period of time.

And yet these were UL certified.

What happened at Moss Landing on Jan.16th is considered by the Energy Industry as having "failed safe." This was revealed to me during my participation in a CEC Staff Workshop held on Feb 14, 2024. If there were no deaths or injuries and no fire spread beyond the facility, this is considered acceptable and is described as "failing safe." Please have them explain that to the 1500 people displaced by your Vistra BESS incident with burning eyes, headaches and breathing issues.

This is UNACCEPTABLE to the communities in which these BESS are sited!

Battery storage can be accomplished with fire-safe battery technologies such as Iron Air and Iron Flow as well as several others that are up and coming in the industry. Sacramento has a large non lithium-ion project in the works utilizing Iron Flow batteries.

The DOE and CPUC also put out a call last year for Long Duration Energy Storage (LDES) projects which do not utilize lithium-ion batteries. I have attached PDFs of those articles below. LDES normally have a duration of 8+ hours as compared to Lithium-ion which have a 4 hour duration.

Vistra may propose an alternative lithium-ion battery technology to you, one that they say is free of the risks associated with the "older technology" of Lithium-ion. These alternative batteries are Lithium-Iron-Phosphate — also known as LiFePO4 or LFP — and have become the new battery of choice for developers that have worn out their welcome with proposed Lithium-ion projects in well-informed communities.

LFP are actually a subtype of Lithium-ion and are a bit more resilient to overheating issues but they CAN and DO have the ability to overheat and go into thermal runaway and release the same Hydrogen Fluoride, Hydrogen Chloride, Hydrogen Cyanide, Carbon Monoxide and Carbon Dioxide and other toxic gases. Actually LFP release a higher percentage of hydrogen-based gases (50%) versus Lithium-ion (30%) and therefore have a higher explosion risk. So please do not be lulled into believing that if Vistra offers to rebuild with LFP batteries, that they are solving the facility's safety issues.

Our community believes that Lithium-ion and Lithium-Iron-Phosphate batteries have no place in utility scale BESS that are sited in communities. The federal government pushed the Green Energy agenda fueled by the Inflation Reduction Act before the foundational safety of utilizing Lithium-ion batteries at utility scale could be determined or developed. The response to all BESS fires has been reactive and has never been proactive. Fire agencies and local AHJs are basically learning as each event unfolds, what worked and what didn't.....with trial and error. But public safety for millions of watts of stored energy isn't Drivers Ed. Trial and error is not a responsible way to deploy battery storage.

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Do your residents appreciate being a "lesson learned"? I can't imagine that they do.

Do you, as elected officials, appreciate having to explain why you were reassured this facility was safe but yet all safety features failed? Probably not.

Do you want to be responsible for vetting the next repackaged Vistra BESS project and try to deem it safe for your community? YES, but only if you and the Monterey County BOS are better informed this time around.

As long as Lithium-ion or Lithium-Iron-Phosphate are the battery chemistry proposed, you are putting your constituents at risk. There is no guarantee these batteries won't fail and there's no fire suppression system that is guaranteed to work when they do.

Thank you for your time, and please reach out if we can be of any help to you on your path forward.

Ruthie Brock  
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