

1/19/2026

**Subject:** Urgent request for review of the Beach Haven Battery Energy Storage System (BESS)

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Dear Congressman Van Drew, Senator Amato, Assemblyman Rumpf, Assemblyman Myhre, President Guhl-Sadovy, Sheriff Mastronardy, Administrator Zeldin, Mr. Martucci, Mr. LaTourette, and Mr. Anthony,

Since our last correspondence to you dated 10/26/2025, additional Battery Energy Storage System (BESS) thermal runaway events (TREs) have occurred and disturbing information regarding the same have been revealed. We are bringing them to your attention and ask for your involvement in reviewing the applicable regulations, the approval process, and the current failure rates of these battery storage facilities. Our mission is to raise awareness that TREs are not rare events: There have been five reported TREs last year, and a total of at least 16 events since the Beach Haven BESS was approved in April, 2022. The location of the Beach Haven BESS poses an extreme danger to public health, safety, and the environment. If a TRE were to occur at the Beach Haven BESS, it could endanger thousands of people. Clearly, the location of this facility is too risky, and it must be removed and relocated. Please consider the following recent information which has been researched and documented:

- There has been another multiday BESS TRE in Warwick, NY, the 5<sup>th</sup> TRE for 2025.
- The BESS TRE failure rate is 1.8% or higher (16 TREs since 4/2022, 889 BESS facilities operating in the US as of 1/26).
- TREs release enormous amounts of highly toxic, hazardous, corrosive, and explosive gases.
- Large isolation zones need to be immediately established for public safety.
- BESS facilities must have ample setbacks to prevent exposure involvement.
- Heavy metal nanoparticle contamination proven from these fires.
- Beach Haven's drinking water comes from EPA Sole Source Aquifer (SSA).
- Barnegat Bay has EPA Estuary of National Significance (ENS) designation.
- Bess facilities pose a heavy metal contamination risk to environmentally sensitive areas, agriculture, aquaculture, aquifers, etc.
- Serious material omissions by Atlantic City Electric (ACE) during the Beach Haven Land Use Board (BHLUB). **See attached voice recording, transcript, and itemization.**
- The Beach Haven BESS presents the greatest risk to public health and safety and the environment of all ten operating BESS facilities in NJ.

### ***BESS TREs and TRE Failure Rates:***

*Since April 2022, when ACE's application was heard by the BHLUB, there have been at least 16 utility size (1MW or larger) BESS TREs in the United States, a time frame of less than 4 years. In 2025 alone, there have been five reported TREs in four different states. If you take into account all 889 BESS facilities operating as of January 2026 in the US, the TRE failure rate is 1.8%, and the failure rate is actually higher, as this only considers TREs since 4/2022 and does not account for other serious events, or those prior to 4/2022. High failure rates and multiple TREs at the same location do not instill confidence in safety, especially when considering many of the BESS facilities are relatively new, and 72% of BESS failures (where system age was known) occurred during construction, commissioning, or within the first two years of operation according to Electric Power Research Institute's (EPRI's) May 2024 White Paper on BESS Failures.*

The multiday BESS TRE on Friday December 19, 2025 in Warwick, NY is the third serious event, and second TRE for Convergent Energy and Power in Warwick. After the first two fires, new battery systems were installed with enhanced standards and testing, with third-party reviews. These added safety measures were ineffective in preventing this TRE. Moss Landing experienced at least three TREs before their world's largest battery fire on Jan 16, 2025. As new standards are being developed and released are these BESS facilities being brought up to date? It has also been reported that Warwick's TRE events happened during strong storms with lightning, and water ingress, which is concerning. We do get strong storms with windblown, sideways rain on

Long Beach Island! One of our previously asked and unanswered questions to ACE, was, “Beach Haven is a seashore location with corrosive salt mist, high winds and humidity and is prone to flooding from salt water. All these factors can reduce equipment life and/or create failures, e.g. HVAC systems, electrical connections, fasteners, short circuits etc. What changes were made to this BESS to take into account this challenging coastal environment?”

### ***TREs Contaminate the Environment with Heavy Metals, other Metals, and Toxic Compounds:***

San Jose State University’s Moss Landing Marine Lab (MLML) published their findings from the Moss Landing TRE in January of 2025 in Scientific Reports on November 26, 2025. ***Heavy metal contamination (nickel, cobalt, manganese) was deposited in the marsh at Elkhorn Slough.*** While some contaminants traveled over two miles, peak concentrations of the heavy metals were detected in the wetlands about 0.6-1.8 miles downwind from the fire, impacting the nearby estuary's soil and water. The source of the contaminants is irrefutable, as baseline contaminate levels had been established during the past decade and match battery cathode composition, and are now measuring hundreds to thousand times higher. MLML research also confirmed bioaccumulation of these metals in the food web, as well as the movement of these toxins in the sensitive estuary ecosystems, with the long-term effect on wildlife unknown.

***The intense heat of a battery fire vaporizes battery components, creating heavy metal microscopic nanoparticles (1 to 20 microns), along with other contaminants.*** There is an apparent erroneous belief that as long as suppression water is not applied directly on the batteries during a TRE, the area does not become contaminated; therefore, the soil does not require testing. ***There is a saying in the scientific and environmental fields, “you won’t find what you don’t test for,” and that also applies to particle size, as these heavy metal nanoparticles require specialized testing or they could be missed.***

***MLML’s findings and study repudiates America Clean Power Association (ACP)/ Fire and Risk Alliance (FRA) Assessment of Potential Impacts of Fires at BESS Facilities literature review, dated August 21, 2025.*** Their executive study implies, “BESS remains a relatively safe technology with minimal environmental contamination risks,” and “none of the reviewed cases of environmental sampling related to the BESS fire events were contaminant concentrations found that would pose a public health concern or necessitate further remediation.” Both organizations, FRA and ACP, have extreme conflicts of interest, akin to pharmaceutical companies overseeing their product clinical trials. ***Texas A&M Engineering Extension Services’ Lithium-Ion Battery Fires and Emissions Characterization Report dated November 2024 found 24 heavy metals and 75 semi-volatile organic compounds from lithium-ion battery fires. These fires had high concentrations of lithium, nickel, cobalt, manganese and copper, with lithium being the most dominant. In addition, several metals, such as cobalt, manganese, and lithium remained in firefighter turnout gear swatches, regardless of the cleaning method used.***

## ***Serious Health Risks from Inhalation of a small quantity of TRE emissions:***

***It is proven that BESS TREs emit a hazardous cocktail of explosive and toxic gases, vapors, and fine particle matter including heavy metals. The gases can form heavier than air, low lying vapor clouds which are extremely poisonous. Some of the released gases form corrosive acids when they come in contact with moisture in the lungs, eyes, or skin causing chemical burns and tissue damage, with the small heavy metals particles deeply deposited in the lungs.***

***Worst case plume modeling is essential to determine the risk to public health,*** along with a hazard analysis. Regulations must also include site and surrounding baseline testing for all known battery fire contaminants prior to BESS construction and after a TRE.

***The location of The Beach Haven BESS is dangerous and irresponsible.*** Situated in the center of town, a ***TRE in the summer could expose thousands of people to explosive gases and toxic, low-lying, vapor clouds.*** In addition, BESS TREs do not provide advanced warnings or notifications to the public, i.e. like strong weather warning systems. Fortunately, for the BESS facilities that experienced TREs, were located in isolated areas with ample distance from homes and businesses. Note that despite being located in isolated areas, public evacuation zones of at least a quarter of a mile were implemented.

***Inhalation of even a small quantity of air-vapor clouds creates serious health issues.*** Four firefighters in Sacramento, CA are still recovering, and may be permanently disabled, from the inhalation of a vapor cloud emitted from a Tesla EV in April 2025. The vehicle was being towed and unexpectedly released a vapor cloud. The firefighters thought the incident was wrapped up and not on protective air and exposed to the toxic vapor cloud as a result. A growing trend for fire departments is to discard or condemn personal protective equipment (PPE) like turnout gear after exposure to lithium-ion battery fires due to the high concentration of immitigable, toxic, and carcinogenic contaminants.

## ***TRE Contamination Risk to the Environment and Drinking Water Supply:***

***Mordecai Island, less than ½ mile from the Beach Haven BESS, is a nesting and breeding ground for a number of NJ State endangered species*** such as the Black Skimmer, Least Tern, American Bittern, and Piping Plover. ***Barnegat Bay, ¼ of a mile from the BESS has EPA designation as an Estuary of National Significance (ENS) and is part of the Barnegat Bay National Estuary Program*** with a growing and thriving Shellfish farming industry supplying local restaurants. ***Little Egg Harbor Bay, Beach Haven’s portion of Barnegat Bay, is home to Sedge Islands with significant federal, state, and local environmental designations as part of the Barnegat Bay National Estuary Program (NEP), and Marine Conservation Zone (MCZ) which protects critical habitats and wild bird refuges.***

***Beach Haven’s drinking water is supplied by three wells that tap*** the Atlantic City Sand Aquifer System and the Kirkwood-Cohansey Aquifer. These aquifers supply water to dozens of coastal

communities, especially on barrier islands, and are part of the *NJ Coastal Plain Aquifer System which has EPA Sole Source Aquifer (SSA) designation, and supplies millions of NJ residents with their drinking water.*

*The EPA's mission statement is to protect human health and the environment. How could any BESS be located adjacent to an ENS and above a SSA without the needed environmental reviews and approvals, public debate, regulatory oversight, or at the very least, a containment basin?*

### ***Risk to Public Health and Safety / Limited Island Resources / Delayed Emergency Response:***

*Out of the 10 BESS facilities operating in NJ, the Beach Haven BESS represents the greatest risk to public safety and the environment. It is located on a barrier island with one way on, and one way off, smack in the middle of a popular tourist town, homes, businesses, and numerous amusement parks. In the summer, when the BESS is to be utilized, the population expands greatly with homeowners, visitors, renters, and workers. There is a very high turnover with new visitors each week with significant weekend traffic for Saturday renter change-over day. Cars are lined up for miles in traffic leaving and coming on the island. **A TRE requires a well-timed, specialized, emergency response including hazardous material teams and other personnel and resources, which are not island based and come from great distances. Our summertime traffic gridlocked at times, would greatly delay and impede the needed emergency response during a TRE, resulting in a severe outcome.***

*An evacuation/isolation zone to keep people safe would need to be established immediately, probably before off island responders arrive. The EPA suggests an isolation zone of at least 330 feet in all directions to start for a commercial BESS, while the US Department of Transportation in their current 2024 Emergency Response Guide on page 224 states for Lithium-ion Batteries that if a rail car or trailer is involved in a fire, ISOLATE for 500 meters (1/3 mile,) in all directions; also **initiate evacuation including emergency responders for 500 meters (1/3 mile) in all directions.** That corresponds to 1760 feet for lithium-ion batteries charged to 30% or less. **It is unrealistic to expect that based upon our shifting winds and limited resources, that a large evacuation zone can be immediately instituted and maintained to keep people safe,** while 10,000 to 24,999 lbs (CRTK) of lithium-ion batteries burn themselves out over multiple days.*

### ***ACE's Material Omissions about BESS hazards:***

Atlantic City Electric (ACE) has been nonresponsive to our concerns, questions, and the mayor's requests to remove the BESS. **ACE failed to mention, not even once, that these were Lithium-ion batteries. Additionally, ACE failed to disclose any of the hazards associated with these batteries when asked directly by board members during the variance approval meeting in April 2022.** The utility or operator of a BESS has superior knowledge regarding risks and hazards of these facilities, and

intentionally withholding material information is considered a serious ethical and potentially legal material omission. *Clearly, if ACE shared any of the known hazards of lithium-ion batteries with the BHLUB, the application would not have been approved.*

***Conclusion:***

While we support green energy and the efforts made by the state to move in a clean energy direction, these efforts must not come at the expense of public safety and the environment.

BESS facilities fail catastrophically, and even with additional reviews and updated standards, this technology continues to be exceedingly risky and unsafe for highly populated and environmentally sensitive areas. Therefore, BESS facilities should only be situated in areas where there is ample space around them, minimizing public safety and environmental harms. The Beach Haven BESS in this location is an unwarranted and extreme gamble with public health and the environment. We call on you to work together to find a way to remove and relocate this facility off of Long Beach Island. Clearly, the risks do not justify any perceived benefits.

Thank you for your consideration into this urgent matter,

Robert Jacobson, Beach Haven Resident  
Jim Ciulla, Beach Haven Resident  
Matt Gideon, Long Beach Township Resident  
Harry Befumo, Long Beach Township Resident

***Attachment:*** Please see “Appendix” for additional information regarding the Beach Haven Land Use Board Meeting in April, 2022

## **APPENDIX**

ACE made material omissions when asked direct questions regarding the hazards.

Transcription of the pertinent exchanges between LUB members and ACE representatives at the BHLUB meeting on April 4, 2022. (Note that the discussion of the ACE application for site plan approval begins at about 1 hour 2 minutes into the meeting).

<https://www.youtube.com/watch?v=DIK9cStEkgE&t=4925s>

*This exchange starts at 1 hour 22 minutes and lasts 2 minutes.*

Jim Stevens LUB asks, “From a hazard standpoint, is there any potential hazard from the battery packs?”

Heather Roberts ACE’s Principle Project Manager responds, “so from a safety perspective, safety is always our primary focus, and is the key element in the design and implementation of any project, but, there’s a wealth of information on battery storage and the required safety precautions are being followed and we are following the established standards to ensure that we are meeting the industry best practices for safety and security,,,, so we do not feel it is a hazard.”

Stevens LUB “If there was a hazard, what would the potential hazard be?”

Heather Roberts ACE responds, “So worst case scenario for battery storage would be in the lines of a fire. And part of our implementation plan involves working with local leaders and emergency management agencies to familiarize everyone of the characteristics of the facility. Our first line of defense is our design so it doesn’t get to that point of failure. The second line of defense is our monitoring and management system so that we can detect early on so we can address issues before they become a failure itself and the third would be proper training and understanding from an emergency response procedure in the unlikely event of a fire, and we also have our fire protection (expert?) here on the call as well”

Stevens LUB – “now would you provide the local fire department with any special equipment?”

**Heather Roberts ACE** No special equipment is needed but we would provide the fire department with training and through that training if something happens to be identified that would be additional we could work with them in that event.

*This exchange starts at 2 hours and 5 minutes lasts 2 minutes*

<https://www.youtube.com/watch?v=DIK9cStEkqE&t=7500s>

**Tom Medal LUB** asks, is this as many batteries as we are going to put on the site, or will this site expand at all, ever.

**Heather Roberts ACE** responds, so we had designed this site in mind to add the potential for a second battery storage unit, but at the current time, we don't know that that's the direction we are heading,

**Tom Medal LUB** asks, there not necessary, or just not financially responsible?

**Heather Roberts ACE** responds, it's currently not necessary to have a second battery storage unit on site.

**Tom Medal LUB asks**, ok, 2nd question I have is about safety, they said that you would be training the local fire service if there's anything, is there going to be any kind of like, Halon Gas that if there's any fires in there that automatically puts out stuff, so that we don't have to worry about our volunteers going in there and getting stuck inside. Is the local person, who's the closest person that going to be our responsive from Atlantic City Electric at time the trouble trucks take some time cause we understand they have to come from different areas.

**Joel Fleishman Esc for ACE** says, "this may be a good time to have Bill Buirch address that he's our fire suppression expert".

**Heather Roberts ACE** responds, "sure, I can take the first, sorry, we're talking over each other,

"Just to add, in the unlikely event of a fire, the facility is equipped with automatic detection and suppression systems, as well as, pre-piped water systems. So in the event that first responders are arriving, this will avoid the need for them to enter the enclosure. So they can address the potential fire without having to enter that facility".

**Ken Mosca ACE** responds, "and we'd will be responding from West Creek."

ACE failed to disclose any of the hazards associated with battery energy storage. This lists the material omissions and hazards that should have been discussed:

1. *ACE's response, "worst case scenario for battery storage would be in the lines of a fire", Does not equate to a TRE, which is the worst case scenario for battery storage.*
2. *ACE fails to disclose that the batteries would be lithium-ion: On the application, project description, Fact Sheet, and FAQ's Sheet (see attached), and innumerable times in the LUB meeting, ACE never once discloses these are to be lithium-ion batteries.*
3. *Lithium-ion batteries and can lead to a TRE, a self-sustaining chemical reaction that can't be stopped, resulting in an extreme emission event.*
4. *ACE citing suppression and pre-piped water systems implies the battery fire can be extinguished. Current water, foam, and suppression systems are ineffective for a TRE.*
5. *TREs release enormous quantities of explosive gases and toxic vapor clouds.*
6. *TREs release many contaminants and heavy metal nanoparticles into the environment.*
7. *Large Isolation, evacuation, hot, and shelter-in-place zones will need to be immediately established to protect first responders and the public from inhaling toxic gases.*
8. *These batteries are allowed to burn themselves out, over multiple days.*
9. *Water is used to cool exposures, not directly onto the batteries which can make matters worse. Copious amounts might be needed causing a crippling strain on our limited supply, especially in the summer. Drafting salt water from the bay is used for supplementation and must not come in contact with the batteries.*
10. *Batteries can reignite after the event due to stored energy.*
11. *TREs require a well-timed specialized, emergency response including hazardous material teams and other personnel and resources not island based. Our summertime traffic would greatly delay and impede the needed emergency response resulting in a severe outcome.*
12. *The aftermath, a toxic contaminated site requiring a very long, EPA overseen cleanup.*
13. *ACE's fire suppression engineer, William (Bill) Buirch was on the 4/2022 LUB call. He sits on the Technical Committee (TC) for Energy Storage Systems (ESS)*

*at National Fire Protection Association (NFPA) which developed and updates the 855 standard for ESS. His LinkedIn profile lists him as principal project manager – fire protection at Pepco (Parent of ACE) specializing in emergency response planning, training, and implementation for electric utilities.*

14. *These hazard omissions are acutely apparent when comparing ACE's battery energy storage fact sheet to those of the EPA & NFPA **see attached**.*
15. The long-term damage from contaminants will be an unknown.
16. The impact to businesses, fishing, and tourism could be catastrophic.