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Received - 2022-09-29 02:17:06 PM
Control Number - 53811
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Arizona Traders Co.

1104 E. San Antonio Ave.
El Paso, TX 79901
P: 915-400-8636 F: 915-302-4360
arizonatradersco@gmail.com

September 29, 2022

Public Utility Commission of Texas
Central Records
1701 N. Congress Avenue
P.O. Box 13326
Austin, TX 78711-3326

6th FORMAL COMPLAINT

September 29, 2022

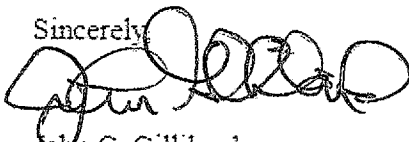
Account Holder: John C. Gilliland (Arizona Traders Co.)
Servicing Address: 1104 E. San Antonio Ave.
El Paso, TX 79901
915-400-8636

Hello,

Nancy Nye was able to read the 4th and 5th Formal Complaints about the Fire Department Inspection and she sent them again and they closed our business. Attached are copies of the Fire Department violations and 2 emails to Clifford Wenzel of AARC, our environmental consultant, showing extreme irregularities in the inspection that was done at the direction of Nancy Nye.

We would appreciate any action that can be taken to prevent Nancy from doing any further damage to our company.

Sincerely,



John C. Gilliland
President of Arizona Traders Co.

Exhibits

From: John Gilliland
Sent: Thursday, September 29, 2022 9:46 AM
To: Clifford Wenzel
Subject:

Hello Cliff,

This email is to document the steps we followed and that you handled when the fire department came for the first time which was on Wednesday, September 7th. Lance Facio the Head Inspector had 2 inspectors with him with guns. I allowed them entry and he inspected the chemicals in the front storage room. He then asked to see the rest of the building, I told him he could if the other 2 inspectors would leave their guns in their cars. I told him that he could inspect the building and I would go with him as he did not have a gun. He instead wrote on his report that I had denied entry to all of them and told them they needed a warrant. I called you and asked you to set up an appointment the following week for an inspection without guns, which you set up for Wednesday, September 14th.

At no point did I say that they needed a warrant. They came the following Wednesday. Alonso Cantu, Paul Pentecost and Jaylene Vargas were here so they could determine what had to be done for any violations that Lance Facio found. At no point did we deny entry to anyone who did not have a gun. The second Wednesday they insisted on carrying guns and we allowed entry, costing us several employees.

John Gilliland

President
Siltec Inc.
(915) 400-8636
Sent from Mail for Windows



This email has been checked for viruses by Avast antivirus software.
www.avast.com

From: John Gilliland
Sent: Tuesday, September 13, 2022 10:03 AM
To: Clifford Wenzel
Subject: RE: Fire Department

Email that was sent has been revised.

John Gilliland

President
Siltec Inc.
(915) 400-8636
Sent from Mail for Windows

From: John Gilliland
Sent: Tuesday, September 13, 2022 9:59 AM
To: Clifford Wenzel
Subject: Fire Department

Hello Cliff,

This email will complete details about the fire department's actions, when they came for the second time Wednesday at 1 o'clock we let them into the building, your people had met them in the front and came in with them.

They began testing any small amount of dried chemicals that they found with PH papers. The entire inspection was based on reading PH2 or PH8 on PH papers. When they got to the plating room they tested all of the tanks with PH papers. This was the basis for declaring chemical hazards in the plating room, this is absurd. A plating shop has every different level of PH and a PH reading does not indicate a hazard. This was the basis for declaring a hazmat for people in the building.

This is the most important irregularity in what they did and should be grounds for reversal of everything that has happened.

Regards,

John Gilliland

President
Siltec Inc.
915-400-8636
Sent from Mail for Windows



El Paso Fire Department

MAYOR

Oscar Leaser

CITY COUNCIL

District 1

Peter Svarzbein

District 2

Alexsandra Anello

District 3

Cassandra Hernandez

District 4

Joe Molinar

District 5

Isabel Salcido

District 6

Claudia L. Rodriguez

District 7

Henry Rivera

District 8

Cissy Lizarraga

CITY MANAGER

Tommy Gonzalez

September 9, 2022
Arizona Traders Co.
1104 E. San Antonio
City and County of El Paso, Texas 79901

NOTICE TO SUSPEND ALL BUSINESS OPERATIONS AND EVACUATE 1104 E. San Antonio Ave., "Arizona Traders Co."

The "Arizona Traders Company" facility is located at 1104 East San Antonio Avenue, El Paso, Texas 79901. The parcel of property is located at the corner of Hills Street and San Antonio Avenue in downtown El Paso. The property is located within the incorporated City.

On August 19, 2022 an annual Fire License Inspection was attempted at this facility. An employee denied Inspectors entry, stating the business owner needed to be onsite.

On August 31, 2022, Inspectors met with the business owner Mr. John Gilliland and attempted to conduct the annual Fire License Inspection. Mr. Gilliland allowed Inspectors to enter the front door of the facility to conduct the inspection. The first room to the right was entered and contained multiple chemicals with hazardous and dangerous labeling in dry and liquid form. A 55 gallon drum containing a corrosive chemical was located within the room. Multiple bags with the labeling of an Environmentally Hazardous Substance (EHS) Cupric Sulfate were located on a pallet. Chemicals with labeling of oxidizers, corrosives, acids and bases were all located within the same area. No evidence of a ventilation system or appropriate separations were identified during the assessment of the hazardous chemicals. After documenting the first two rooms, Mr. Gilliland denied access to the rest of the building and stated Inspectors would need to get a warrant to conduct any further inspection. An official enforcement notice was documented and Mr. Gilliland refused to sign. Inspectors left the building and briefed supervisors of the conditions of the building.

On September 7, 2022, Mr. Gilliland hired an environment company, AARC Environmental Inc., to represent his business to allow a Fire License Inspection to occur in their presence. The El Paso Fire Marshal's office conducted the Fire License Inspection with personnel from the City of El Paso Hazardous Materials Response Task Force and City of El Paso Police Department Hazard Device Technicians to assist in the assessment of the previously identified potential hazards and the unknown areas previously not allowed access to on August 31, 2022. During the inspection, it was identified that the business had no running water for the employees that were working inside. The culmination of hazards found in the remaining areas of the business resulted in the determination from the Hazardous Materials Response Task Force personnel to call for a Hazardous Materials response due to the potential environmental and public safety hazards the materials represented. 30 firefighters worked for over 7 hours to move the materials into safe containers for proper disposal and a total of 760 gallons of acid and base solutions were collected. The City of El Paso Building

Jonathan P. Killings – Interim Fire Chief

Fire Department | 416 N. Stanton - 2nd Floor | El Paso, TX 79901

PH: (915) 212-5600 | www.elpasotexas.gov/fire



ISO Class 1



DELIVERING EXCEPTIONAL SERVICES



El Paso Fire Department

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Official on site called for the El Paso Electric Company to respond to the incident. The Fire Marshal's Office issued a Cease and Desist notice to Mr. Gilliland which he refused to sign. The power was subsequently shut off to the building by El Paso Electric Company personnel.

In the interest of community safety, the City of El Paso is issuing a combined list of requirements from multiple authorities having jurisdiction for compliance in order to reopen the business, if possible.

The El Paso Fire Department's list of violations is as follows and references the 2015 International Fire Code (IFC) and the 2015 International Mechanical Code (IMC) as adopted by the City of El Paso. The Planning and Inspections Division references the 2015 International Building Code (IBC). This list is not conclusive as conditions may change while corrections are made within the facility however, the facility must comply with all applicable codes referenced in all adopted codes by the City of El Paso.

1. Hazardous Materials: An operational permit is required to store, transport on site, dispense, use or handle hazardous materials that were identified in excess of the amounts listed in Table 105.6.21.
 - a. IFC 105.6.21
2. Facility must remove all hazardous materials constituting Tier II requirements. Facility may only maintain chemicals necessary to conduct daily business operations.
3. Business is required to have, in place and functional, all chemical range hood and air handling equipment sufficient for each hazardous material used.
 - a. IFC 5003.2
 - b. IMC 502.1
 - c. IMC 502.8
 - d. IMC 502.9
4. All vats and tanks must have secondary containment.
 - a. IFC 5004.2
 - b. IFC 5003.3
5. Disposal of hazardous materials must be performed in an approved manner.
 - a. IFC 5003.3
6. Must meet all requirements regarding the release of hazardous materials.
 - a. IFC 5003.3.
7. All new installations must go through City Plan Review.
 - a. IFC 110
8. Electrical Violations identified: Exposed wiring, extension cord misuse, outlet splitters, and shorted electrical outlets throughout facility. All repairs to the electrical system shall comply with all applicable provisions of the 2014 NFPA 70 applicable to the occupancy classification.
 - a. IFC 605

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9. Proper fire exit hardware and construction as applicable pending the City of El Paso Building Department's determination of the Certificate of Occupancy. Will coincide with
 - a. IFC 1010.1.10
10. If determined by the Building Department, the business may require emergency and standby power.
 - a. IFC 604
11. Employee training records are required to be onsite.
 - a. IFC 407
12. Facility shall provide MSDS sheets for all hazardous materials.
 - a. IFC 407
13. Facility shall provide identification of hazardous materials. Required NFPA 704 placarding for the building and the control areas.
 - a. IFC 407
 - b. IFC 5003.5
14. Facility shall provide Hazardous Materials Inventory Statement. Facility shall provide accountability of the chemicals inventoried, dispensed and used.
 - a. IFC 407
 - b. IFC 5001.5.2
15. Facility shall provide a Hazardous Materials Management Plan. Personal Protective Equipment required for all personnel as required by HazWoper and each hazardous material's safety data sheets.
 - a. IFC 407
16. Facility shall provide a Facility Closure Plan.
 - a. IFC 407
17. Extinguishers appropriate to hazards on site required.
 - a. IFC 906
18. Containment rooms for hazardous materials and applicable flammable, gas, and hazardous materials storage cabinets are required.
 - a. IFC 5703
 - b. IFC 5001
19. All required municipal utilities must be in service and appropriate facilities provide for employees and the public.
 - a. City of El Paso Municipal Code.
20. No propane or propane appliances are allowed in the building.
 - a. IFC 61

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Planning and Inspections preliminary requirements

1. Facility shall submit a zoning verification application to the Planning and Inspections Department to determine if the use is a permissible use within the existing zone district.
 - a. Municipal Code Section 20.04.850
2. If the use is found to be a permissible use within the zoning district, any required modifications to the building, mechanical, plumbing or electrical systems shall be prepared by a State of Texas licensed architect or engineer, as applicable, and a permit application shall be submitted for review to the Planning and Inspections Department.
 - a. Municipal Code Section 18.02.105.1
 - b. Municipal Code Section 18.02.105.9
3. Prior to any modifications to the building, mechanical, plumbing or electrical systems all required permits shall be obtained by a contractor registered with the City Of El Paso.
 - a. IBC 105.1
4. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved.
 - a. IBC 110.1

The violations must be corrected in order to reopen the business to operate within the City of El Paso.



DELIVERING EXCEPTIONAL SERVICES

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