



## **RESOLUTION REQUIRING HARPER BATTERY ENERGY STORAGE SYSTEM (BESS) DOCUMENTATION REQUIREMENTS**

**WHEREAS**, Texas Local Government Code 352.016.(b) provides that in the absence of a county fire code, the county fire marshal may conduct an inspection using any nationally recognized code or standard adopted by the state; and

**WHEREAS**, Texas Local Government Code 352.016.(b-1) provides that in the interest of safety and fire protection, the county fire marshal shall, if required, and may, if requested, review the plans of a business, single-family residence, multi-family dwelling, or commercial property for fire or life safety hazards; and

**WHEREAS**, State Fire Marshal's Office (SFMO) currently adopts the 2021 National Fire Protection Association (NFPA) 1 Fire Code and the 2020 NFPA 855 Standard for the Installation of Stationary Energy Storage Systems; and

**WHEREAS**, 2020 NFPA 855 3.2.2 defines Authority Having Jurisdiction (AHJ) as an organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure; and

**WHEREAS**, 2020 NFPA 855 4.1.2.1.1 provides that the plans and specifications associated with ESS (Energy Storage Systems) and its intended installation, replacement or renewal, commissioning, and use shall be submitted to the AHJ for approval and includes the Items (1) through (8) below; and

**WHEREAS**, 2020 NFPA 855 4.1.2.1.3 provides that the following test data, evaluation information, and calculations [set forth in Items (9) through (12) below] shall be provided in addition to the plans and specifications in 4.1.2.1.1 where required elsewhere in the standard; and

**WHEREAS**, the Rogers Draw Energy Storage Project (Harper BESS) is situated approximately 550 yards from the K-12 Harper ISD where the prevailing wind for 9 months out of the year would carry any highly toxic smoke produced by the Harper BESS directly towards the school and surrounding community; and

**WHEREAS**, the Harper BESS is situated approximately 610 yards from the Harper Head Start Preschool, where the wind could carry any highly toxic smoke produced by the Harper BESS towards the Preschool and surrounding community; and

**WHEREAS**, the Pedernales River riverbed is located inside the Harper BESS property and the

details of the site plan Peregrine Energy claims were developed to purposefully ensure that the headwaters of the Pedernales River remain unaffected by the project are unknown; and

**WHEREAS**, the Harper BESS will be the first Peregrine Energy Solutions first installation, and the battery supplier Wartsila's Quantum 2 modular battery system was reported on April 6, 2024 to have not been rolled out anywhere to date; and

**WHEREAS**, the Electric Power Research Institute (EPRI) 2024 White Paper entitled "Insights from EPRI's Battery Energy Storage Systems (BESS) Failure Incident Database" in May 2024 reported 81 incidents and information about root causes for 26 incidents; the breakdown of BESS failures by root cause was 36% Integration, Assembly & Construction, 29% Operation, 21% Design, and 14% Manufacturing; and nine more incidents have been added to date including the recent Moss Landing 300MW BESS fire that started on January 16, 2025; and

**THEREFORE, BE IT RESOLVED THAT**, the Commissioners Court of Gillespie County adopts this Resolution to proactively mitigate the safety and environmental risks associated with the Rogers Draw Energy Storage Project located in Harper, Texas, during the full life cycle of the Project by enforcing certain requirements related to the Authority Having Jurisdiction (AHJ) in the 2020 NFPA 855 Standard currently adopted by the State Fire Marshal's Office (SFMO); and

**FURTHERMORE, BE IT RESOLVED THAT**, the AHJ be defined as the Gillespie County Commissioners Court, and any designees, including the Gillespie County Fire Marshal; and

**FURTHERMORE, BE IT RESOLVED THAT**, the following plans and specifications associated with the ESS and their intended installation of the Rogers Draw Energy Storage Project, as outlined in 2020 NFPA 4.1.2.1.1, shall be submitted by Peregrine Energy Solutions, LLC, its agents, representatives, successors, subsidiaries, and assigns (collectively referred to herein as "Peregrine Energy Solutions, LLC"), to the AHJ for approval:

- (1) Location and layout diagram of the room or area in which the ESS (Energy Storage Systems) are to be installed.
- (2) Details on hourly fire-resistant-rated assemblies provided or relied upon in relation to the ESS
- (3) The quantities and types of ESS units
- (4) Manufacturer's specifications, ratings, and listings of ESS
- (5) Description of energy storage management systems and their operation
- (6) Location and content of required signage
- (7) Details on fire suppression, smoke or fire detection, gas detection, thermal management, ventilation, exhaust, and deflagration venting systems, if provided
- (8) Support arrangement associated with the installation

**FURTHERMORE, BE IT RESOLVED THAT**, the following use data, evaluation information, and calculations as outlined in 2020 NFPA 4.1.2.1.3, shall be provided by Peregrine Energy Solutions, LLC, to the AHJ:

- (9) Calculations or modeling data to determine compliance with NFPA 68 (Standard on Explosion Protection by Deflagration Venting) and NFPA 69 (Standard on Explosion Prevention Systems)
- (10) Large-scale fire test data
- (11) Hazard Mitigation Analysis (HMA)
- (12) Other test data, evaluation information, or calculations required elsewhere in this Standard.

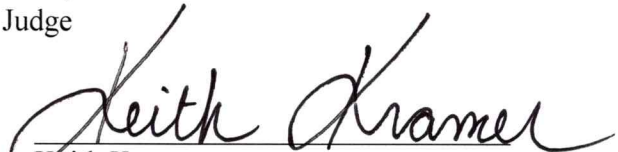
Passed and approved this 24 day of February, 2025.



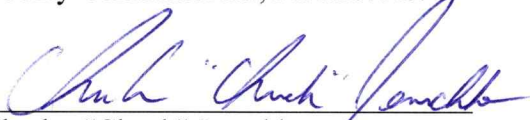
Daniel Jones,  
County Judge



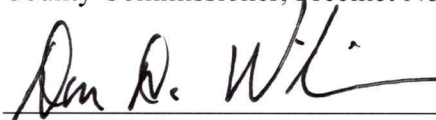
Charles Offers,  
County Commissioner, Precinct No. 1




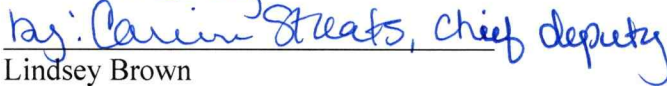
Keith Kramer,  
County Commissioner, Precinct No. 2



Charles "Chuck" Jenschke,  
County Commissioner, Precinct No. 3



Don Weinheimer,  
County Commissioner, Precinct No. 4

Attest:   
  
Lindsey Brown  
County Clerk

