

SUPPORT HB 3809

House Bill 3809 (Darby) establishes **clear decommissioning requirements for battery energy storage systems (BESS)** at the end of their useful life. As BESS becomes vital to meeting Texas' growing energy demand, and its deployment accelerates rapidly, this bill promotes **environmental responsibility, financial accountability, and legal clarity**, ensuring **only the project owner is both responsible for and fully funds decommissioning**.

AT A GLANCE: HB 3809

Comprehensive Standards

- Established for stand-alone and co-located BESS not sharing a grid interconnection point with another resource
- Modeled after Texas' existing wind and solar decommissioning laws—among the strongest in the nation

Land Restoration

- Requires full equipment removal and land restoration by project owner
- Requires roads and large rocks to be removed, pasture to be reseeded and soil to be restored to a tillable state at landowner's request
- Requires materials to be recycled

Financial Security

- Requires project owner to provide financial assurance, in a manner prescribed by the landowner, for decommissioning
- Requires cost estimates to be prepared and regularly updated by a Texas-licensed, third-party engineer

SUPPORT HB 3824

House Bill 3824 (King) ensures all BESS facilities in Texas meet the **highest fire safety standards** by requiring compliance with nationally recognized standards, emergency operations planning, and first responder training, thereby **enhancing community safety, emergency preparedness, and industry accountability**.

AT A GLANCE: HB 3824

Fire Safety Standards

- Requires the state to adopt and update utility-scale BESS fire safety standards in line with UL 9540A (battery fire testing) and NFPA 855 (safety codes)
- Requires operators to, every three years, complete third-party fire safety inspections and share results with local authorities

Third-Party Compliance Reviews

- Requires operators to hire a licensed independent engineer at a local government's request to:
 - Confirm fire safety compliance before operations begin
 - Submit a written report identifying any safety deficiencies
 - Provide technical documents (site layout, emergency plans, hazard analysis, etc.)

First Responder Preparedness

- Requires operators to provide EOPs to local fire departments and maintain emergency safety documents on-site for quick access
- Requires annual, operator-funded training for local firefighters and emergency personnel, including:
 - BESS technology overview, incident response and responder protection measures
 - Emergency procedures for battery failures
 - Site-specific emergency response plans and walkthroughs

Emergency Operations Plans (EOPs)

- Requires each facility to develop a detailed, site-specific EOP including:
 - Fire suppression and shutdown procedures
 - Strategies to protect residents, first responders, and the environment
 - Communication protocols with local emergency services