

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