



October 24, 2025

To: Garrett Sabinio, Peregrine Energy Solutions

Re: Request for information –

It is believed your company is or will be initiating construction on the above-mentioned BESS located in Harper, Gillespie County, Texas, not less than approximately 550 yards from the Harper Independent School District. As legal counsel for Gillespie County, as it pertains to this matter, I am sending this letter to obtain information for the protection of the public health, safety, and welfare of Gillespie County residents. This request is in two parts, the first part relating to fire code and the second part relating to the County flood ordinances.

I. Fire Code

This request is in accord with the National Fire Protection Association (hereinafter "NFPA") 855 Standard for the Installation of Stationary Energy Storage Systems, 2020 Edition. The request is from the Authority Having Jurisdiction (hereinafter "AHJ") and that authority shall be defined as the Gillespie County Commissioner's Court exercising its authority by and through the Gillespie County Fire Marshal. The section numbers below are references to the NFPA 855 Standard for the Installation of Stationary Energy Storage Systems, 2020 Edition.

Pursuant to 4.1.2.1.1. please provide the plans and specifications associated with the ESS and its intended installation, commissioning, and use for approval by the AHJ including the following:

1. Location and layout diagram of the room or area in which the ESS is 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 installation including any required seismic support

The required test data, in compliance with 4.1.2.1.3. including:

1. Large-scale fire test data in accordance with 4.1.5.
2. Hazard mitigation analysis in accordance with 4.1.4.
3. Calculations or modeling data to determine compliance with NFPA 68 and NFPA 69 in accordance with section 4.12
4. Other test data, evaluation information, or calculations as required elsewhere in this standard

If NFPA 69 is being used for explosion control, please provide documentation of NFPA 69 compliance from a licensed professional engineer. Please include supporting documentation, including all items in NFPA 69 2019 15.2.1.1.

Please provide your complete commissioning plan as required by 4.1.2.4. in accord with 6.1.5 which describes the means and methods necessary to document and verify that the system and its associated controls and safety systems, as required by this standard, are in proper working condition. The minimum information required for this request is:

- 1) An overview of the commissioning process developed specifically for the ESS to be installed and narrative description of the activities to be conducted.
- 2) Roles and responsibilities for all those involved in the design, commissioning, construction, installation, or operation of the system(s).
- 3) Means and methods whereby the commissioning plan will be made available during the implementation of the ESS project(s).
- 4) Plans and specifications necessary to understand the operation of the ESS and all associated operational controls and safety systems.
- 5) A detailed description of each activity to be conducted during the commissioning process, who will perform each activity, and at what point in time the activity is to be conducted.
- 6) Procedures to be used in documenting the proper operation of the ESS and all associated operational controls and safety systems
- 7) Testing for any required fire detection or suppression and thermal management, ventilation, or exhaust systems associated with the installation and verification of property operation of the safety controls
- 8) The following documentation:
  - a) Commissioning checklist
  - b) Relevant operational testing forms
  - c) Necessary commissioning logs
  - d) Means and methods whereby facility operation and maintenance staff will be trained on the system
  - e) Identification of personnel who are qualified to service and maintain the system and respond to incidents involving each system

- f) A decommissioning plan meeting the provisions of Section 8.1 that covers the removal of the system from service and from the facility in which it is located and information on disposal of materials associated with each ESS

As per 6.1.3. the commissioning report shall document the commissioning process and the results in accordance with 6.1.3.1, 6.1.3.2, 6.1.3.3. For your reference, these have been outlined as follows:

6.1.3.1

A commissioning report shall summarize the commissioning process and verify the proper operation of the system and associated operational controls and safety systems.

6.1.3.2

The report shall include the final commissioning plan, the results of the commissioning process, and a copy of the plans and specifications associated with the as-built system design and installation.

6.1.3.3

The report shall include any issues identified during commissioning and the measures taken to resolve them.

Please provide the hazard mitigation analysis required by section 4.1.4 Hazard Mitigation Analysis. Also please provide all supporting documentation used to develop the Hazard Mitigation Analysis.

Please provide a schedule of your expected construction milestones for this project.

Please provide a copy of the approved emergency operations plan for AHJ that covers emergencies both during construction and operation. Along with the emergency operations plan, please provide details on how Peregrine intends to provide trained personnel to respond to emergencies to comply with 4.16.2. Gillespie County requires the items outlined in this letter to be provided and the AHJ must complete the review and approval prior to the ESS becoming operational.

## II. Floodplain Ordinance

Additionally, pursuant to the Gillespie County Floodplain Ordinance 3.1.1. (B) and (C) a development over 5 acres on a tract wholly or partially within Zone A must establish Base Flood Elevation (BFEs) by a detailed Hydrologic and Hydraulic Study, or if all development is outside of the floodplain, the study may be waived if a drainage easement is established over the entirety of the Special Flood Hazard Area (SFHA) prohibiting all encroachments. Please provide the required Hydrologic and Hydraulic Study, or a site

plan demonstrating that all proposed development is outside of the floodplain along with proof of recordation of a drainage easement meeting the criteria of 13.1.1(C).

Please respond to this inquiry within 15 business days. Your response should be directed to my office and attention.

If you have any questions, please do not hesitate to contact me.

Sincerely,



**Sara Neel**

Gillespie County Attorney

Gillespie County

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Copies to:

Gillespie County Judge, Daniel Jones

Gillespie County Commissioner Precinct 2, Keith Kramer

Gillespie County Engineer, Melissa Eckert, PE, CFM

Gillespie County Fire Marshal, Steven Olfers

Hazard Dynamics, Erik Archibald, PhD, P.E.