



GILLESPIE COUNTY BESS INTERVENTION

Q&A

Q: What action did Gillespie County take?

A: Gillespie County filed a Petition in Intervention in the 216th Judicial District Court to join the lawsuit opposing the proposed battery energy storage system (BESS) facility near Harper, Texas. The County is seeking temporary and permanent injunctions to stop construction.

Q: Why did the County intervene?

A: The County intervened to protect public safety, water resources, emergency responders, and approximately 600 students who attend Harper ISD, which is located about 1,700 feet from the proposed site.

Q: What risks is the County concerned about?

A: The County is concerned about the risks of lithium-ion battery fires, which have been documented to burn for long durations, emit toxic gases, and require specialized firefighting resources not available locally.

Q: Why is the Harper ISD location important?

A: Harper ISD's entire student population — from pre-k through high school — is housed on one campus located within close proximity of the proposed facility, creating significant evacuation and safety concerns.

Q: What are the water resource concerns?

A: The County is concerned that firefighting runoff from a battery fire could contaminate the Pedernales River watershed, which supplies water to multiple counties and ultimately flows into water sources serving the Austin region.

Q: Has the County taken a position on BESS facilities before this?

A: Yes. The Gillespie County Commissioners Court unanimously adopted a resolution earlier this year opposing battery energy storage facilities within the County.

Q: What is the County asking the court to do?

A: The County is asking the court to issue temporary and permanent injunctions to prevent construction of the facility and to declare the project unlawful under applicable public safety and nuisance laws.

Q: Is the County opposed to all development?

A: No. The County supports responsible development that does not compromise public safety, emergency response capabilities, or essential natural resources.

Q: Who represents the County in this case?

A: Gillespie County is represented by Mick McKamie and Rachel Raggio of the Fort Worth law firm Taylor, Olson, Adkins, Sralla & Elam LLP (TOASE).

Q: What is the name of the lawsuit?

A: *Victor Hollender, et al. v. Rogers Draw Energy Storage, LLC, et al.*, pending in the 216th Judicial District Court of Gillespie County, Texas.

Q: Who can media contact for more information?

A: Office of County Judge Daniel Jones

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