



## **RESOLUTION REQUIRING MARSHALL SPRINGS SOLAR FARM AND 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 (as 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**, 2021 NFPA 1 Fire Code 52.1.1 provides that energy storage systems (ESS) having an aggregate capacity exceeding the threshold quantities established in Table 1.3 of NFPA 855 (2020 Edition) shall comply with Chapter 52; and

**WHEREAS**, 2021 NFPA 1 Fire Code 52.1.2.2 provides that prior to installation, plans shall be submitted and approved by the responsible authority; and

**WHEREAS**, 2021 NFPA 1 Fire Code 52.1.2.3 provides that construction documentation shall include documents required in 4.1.2.1 of NFPA 855 (2020 Edition); and

**WHEREAS**, the Gillespie County Flood Damage Prevention Ordinance effective July 28, 2025 (the “Ordinance”) was adopted to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Ensure that potential buyers are notified that property is in a flood area; and

**WHEREAS**, the Marshall Springs Solar Farm and Battery Energy Storage Project is within Zone X, as defined by the Ordinance, and will have total impervious cover of 40% or greater and is therefore required to reduce the post-development peak flows, water surface elevations, and flow velocity to pre-development rates for the 5, 10, 50, and 100-year storm events at all points of discharge.

**NOW, 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 Marshall Springs Solar Farm and Battery Energy Storage Project (the “Project”), during the full life cycle of the Project by enforcing certain requirements in the Ordinance and 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 Project, as outlined in 2020 NFPA 4.1.2.1.1, shall be submitted by AMPYR Energy USA LLC, Marshall Springs Storage, LLC, Marshall Springs Solar, LLC, and their agents, representatives, successors, subsidiaries, and assigns (collectively referred to herein as “AMPYR Energy USA 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 AMPYR Energy USA LLC, to the AHJ:

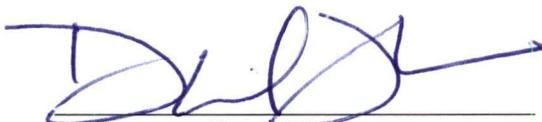
- (9) Calculations or modeling data to determine compliance with NFPA 68 (Standard on Explosion Protection by Deflagration Venting) and NFPA 69 (Standard on Explosion Prevention Systems)
- (10) Large-scale fire test data
- (11) Hazard Mitigation Analysis (HMA)
- (12) Other test data, evaluation information,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

**FURTHERMORE, BE IT RESOLVED THAT**, full documentation of NFPA 68 and NFPA 69 compliance as required by 2020 NFPA 4.12, shall be provided by AMPYR Energy USA LLC, to the AHJ.

**FURTHERMORE, BE IT RESOLVED THAT**, the plans and specifications associated with the Project that are required by the Ordinance or the County Flood Plan Administrator, or her designee, shall be submitted by AMPYR Energy USA LLC, to the County Flood Plan Administrator, including, without limitation:

- (13) Construction plans for stormwater management facilities prepared by an engineer and a drainage study certifying the condition set forth in Section 3.3.5 of the Ordinance is met;
- (14) A downstream assessment of the Project that shall extend at least [2640] feet beyond the property line of the Project; and
- (15) A certification under penalties of perjury from a registered engineer that the plans for the Project comply with Section 3.3.5(B) of the Ordinance.

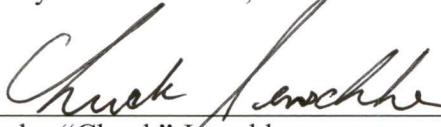
Passed and approved this 3<sup>rd</sup> day of November, 2025.



Daniel Jones,  
County Judge



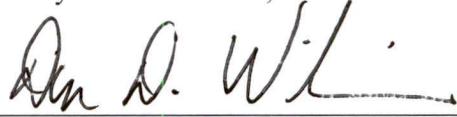
Charles Offers,  
County Commissioner, Precinct No. 1



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



Keith Kramer,  
County Commissioner, Precinct No. 2



Don Weinheimer,  
County Commissioner, Precinct No. 4

Attest:



Lindsey Brown  
County Clerk

