

Questions about Battery Energy Storage Systems

- 1. How can we request additional information for the 85 BESS construction notifications and 59 notifications of 10,000 lbs. or more hazardous substance storage on BESS sites, including location, developer, size, megawatts, etc.**

TCEQ maintains some publicly available information on Construction General Permits (CGP) for Stormwater Discharge and Tier II reports associated with BESS facilities. TCEQ does not require construction notifications for all facilities, only those seeking authorization for stormwater discharges. To receive publicly available data for these programs a Public Information Act request should be submitted. Additional information on submitting a request is available on TCEQ's website, at www.tceq.texas.gov/agency/data/records-services/reginfo.html.

When submitting your request, please be as specific as possible with the information requested and the facilities of interest. Please note that the number of facilities with construction or Tier II notifications will vary over time.

- 2. TCEQ's New Technology Implementation Grant (NTIG) for BESS:**

- a. How much money does TCEQ have to disburse to BESS projects through the NTIG program?**

The amount of grant funding available for each TERP grant program is guided by statute in Texas Health and Safety Code (THSC) Section 386.252. As required by THSC Section 386.252(a)(2), at least \$1 million per biennium is set-aside within NTIG for electricity storage projects related to renewable energy. Electricity storage projects may include BESS projects (e.g., lithium-ion, vanadium, or hydrogen battery systems) as well as other technologies such as compressed-air energy storage, pumped hydropower, and energy-retaining flywheels. While more than \$1 million may be awarded to electricity storage projects, those projects must compete with other eligible NTIG projects, including new technology projects for emissions reductions from stationary sources, and new technology projects for emissions reductions from oil and gas operations. As of November 2024, NTIG awarded \$22,248,600 in total, including \$12,263,338 (55%) to eight BESS projects.

- b. What is the source of these funds?**

Funding for TERP programs, including NTIG, comes from fees and surcharges on obtaining a certificate of vehicle title for all vehicles, the purchase or lease of heavy-duty vehicles and equipment, and registration and inspection of commercial vehicles. Additional details are available on page 4 of the latest [TERP Biennial Report \(2023-2024\)](http://www.tceq.texas.gov/downloads/air-quality/terp/publications/sfr/79-24.pdf#page=7) posted on TCEQ's website, at www.tceq.texas.gov/downloads/air-quality/terp/publications/sfr/79-24.pdf#page=7.

- c. How many applications did TCEQ receive for NTIG BESS grants? How many NTIG BESS grant applications have been approved?**

In the most recent NTIG grant round (Oct. 31, 2024, through Mar. 3, 2025), approximately \$10.9 million in grant funding was projected to be available, with at least \$1 million set-aside for electricity storage projects. TCEQ received 24 applications— four of which were for BESS projects, but none met the eligibility requirements; therefore, all funding was awarded to the implementation of new technology projects for emissions reductions from oil and gas operations and from stationary sources.

- d. May we have a list of the BESS project applications approved? Will the approved projects be posted online, and if so, how can it be accessed?**

A full list of awarded NTIG projects, including the eight BESS projects that were awarded during previous grant rounds, is published on TCEQ's website, at www.tceq.texas.gov/downloads/air-quality/terp/reports/reports-project-list-ntig.pdf.

3. **Does TCEQ define BESS as “dispatchable energy generating units” or “generating assets,” and if so, can residents who live near a BESS request a “contested hearing”? What is the procedure to request such a “contested hearing”?**

TCEQ permitting authority over BESS sites and activities is limited. There are few environmental requirements beyond the Construction Stormwater Permit and Tier II reporting. Neither of these two programs have public participation requirements. Should a BESS facility seek authorization under a program that has public participation requirements, more information on providing comments or requesting a contested case hearing can be found on the TCEQ website, at www.tceq.texas.gov/agency/decisions/participation.

4. **Does TCEQ plan to conduct an independent review on the Moss Landing BESS fire?**

TCEQ evaluates the environmental impacts from emergency response events such as the Moss Landing BESS Fire when they occur in Texas. Our reviews are limited to programs within our jurisdiction such as air emissions, wastewater discharges or runoff, or generation of waste. Our emergency response staff are familiar with the Moss Landing BESS fire and will incorporate California's lessons learned into our programs, as appropriate.

TCEQ staff are not first responders. Once we are notified of an emergency response event, TCEQ will communicate with the first responders to determine if conditions are safe to evaluate environmental impacts and participate in the incident command structure. During emergency situations like a BESS fire, the initial response will be performed by local emergency personnel, i.e., the fire department, law enforcement officers, emergency medical technicians, and other city or county officials. Emergency response management and decisions regarding evaluations or shelters-in-place are made by city mayors or county judges.

TCEQ maintains constant readiness to respond to emergency events of all types and sizes to support local response efforts as it is safe for our staff to do so. Experienced emergency response personnel are always on-call across the state, and each TCEQ region is equipped with air, water, and soil sampling equipment to evaluate environmental impacts. TCEQ also maintains contracts with additional groups who can support TCEQ response activities through additional air monitoring, water or soil sampling, or other needs as directed by TCEQ. TCEQ will also coordinate with the impacted entity until all necessary clean-up or remediation activities have been completed.

Additional information about TCEQ's role during an emergency is available on TCEQ's website, at www.tceq.texas.gov/downloads/publications/gi/gi-636.pdf.

5. **For our Hill Country Counties which are suffering from prolonged drought, could the TCEQ request a water disaster declaration leading to a moratorium on developments which place an inordinate additional demand on the water supply? How often have such development permits been denied, following cases which went all the way to the 3 TCEQ Commissioners?**

The Texas Water Development Board (TWDB) is responsible for planning to meet Texas' future water supply needs. These plans take into account current and future water supply needs during drought conditions. Information on water planning is available on TWDB's website at www.twdb.texas.gov/waterplanning/index.asp. Local development concerns and any associated impacts on water supplies are not within TCEQ's jurisdiction. The location of developments is considered at the local level. Regulation of groundwater pumping is under

the jurisdiction of the local Groundwater Conservation District and not the TCEQ. Receiving a TCEQ permit, if one is required, does not allow an entity to ignore other local or state requirements.

6. Can TCEQ provide us with a contact in the Department of Health Services, whom we can contact about potential health impacts of BESS?

More information and points of contact for the Texas Department of Health and Human Services Health Assessment and Toxicology Program can be found on DSHS's website, at www.dshs.texas.gov/environmental-surveillance-toxicology/health-assessment-toxicology-program.

7. Where does TCEQ receive its guidance for wind and solar policy in relation to the grid?

TCEQ receives statutory direction from the Texas Legislature and policy direction from the Office of the Governor. Under this direction, TCEQ will develop internal policies, practices, and procedures to implement new requirements.

8. How can we file a petition for rulemaking?

The requirements for filing a petition for rulemaking are set out in Title 30 of the Texas Administrative Code (TAC) Section 20.15 (30 TAC 20.15). Specific information on the petition process is available on TCEQ's website at www.tceq.texas.gov/rules/petitions.html.