Figure: 28 TAC §34.1302(g)

Citation	Violation	Fine
Inspection and Ongoing Compliance		
Utilities Code §187.003(a)-(b)	Failure to design, install, operate, or maintain a battery energy storage facility in compliance with applicable safety standards adopted under §187.003(a)-(b).	up to $5,000 per day
Utilities Code §187.003(a)-(b)	Operation of a battery energy storage facility with knowledge, including knowledge obtained through inspection reports, evaluations, or internal monitoring, or one or more deficiencies that materially impair fire protection, monitoring, ventilation, or other safety systems required under NFPA 855 and UL9540A, as adopted by the commissioner and state fire marshal under §187.003(a)-(b), without taking steps to remedy these deficiencies within a reasonable time.	up to $5,000 per day
Utilities Code §187.003(e)	Failure to provide an independent report evaluating the design, safety, and installation of the facility prior to commencing commercial operations if requested by municipality or county in which the facility is located as required by §187.003(e).	up to $5,000 per day
Utilities Code §187.003(e)(1)-(2)	Report required under §187.003(e) fails to meet requirements under §187.003(e)(1)-(2).	up to $5,000 per day
Utilities Code §187.003(f)	Failure to make available to the engineer, consultant, the requesting municipality, or county documents created or held by the battery operator as required by §187.003(f).	up to $5,000 per day
Utilities Code §187.003(g)	Failure to provide a fire safety inspection report to the municipality or country in which the facility is located at least once every five years as required by §187.003(g).	up to $5,000 per day
Utilities Code §187.003(g)(1)-(2)	Report required under §187.003(g) fails to meet requirements under §187.003(g)(1)-(2).	up to $5,000 per day

First Responder Education and Training		
Utilities Code §187.004(c)-(d)	Failure to provide required documents.	up to $5,000 per day
Utilities Code §187.003(g)	Failure to conduct a required fire safety inspection report or an insufficiency in the report.	up to $5,000 per day
Utilities Code §187.004(c)	Failure to produce a site-specific emergency operation plan or an insufficiently in the report	up to $5,000 per day
Utilities Code §187.004(d)(1)	Failure to provide the site-specific emergency operations plan developed to the local first responder that is responsible for providing fire protection services in the area where the facility is located.	up to $5,000 per day
Utilities Code §187.004(d)(2)	Failure to maintain safety data sheets or comparable documents and the site-specific emergency operations plan at an onsite location accessible to personnel responsible for the operations and maintenance of the battery energy storage facility and first responders.	up to $5,000 per day
Utilities Code §187.004(e)	Failure to offer education and annual training regarding responding to an equipment failure incident at the battery energy storage facility site.	up to $5,000 per day
Utilities Code §187.004(e)	Failure to provide education and annual training at no cost regarding responding to an equipment failure incident at the battery energy storage facility site to local first responders if local first responders have previously accepted offer for education and annual training.	up to $5,000 per day