

MEMORANDUM

To: County Commissioners Court and County Fire Marshal

From:

Date:

Re: Recommended Framework for Community Safety Impact Assessment (CSIA) for High-Risk Industrial Facilities

I. Introduction

This memorandum outlines a recommended framework for requiring a Community Safety Impact Assessment (CSIA) as part of the permitting process for proposed industrial developments in the unincorporated areas of [County Name] that present elevated risks to public health, safety, and welfare. This framework is designed to assist the County in fulfilling its statutory duty to protect residents from fire, explosion, and environmental hazards associated with facilities such as Battery Energy Storage Systems (BESS) and other high-risk operations.

II. Purpose of a Community Safety Impact Assessment

The primary purpose of a CSIA is to ensure that the County, its emergency responders, and the public fully understand the potential risks associated with a proposed facility prior to approval of construction, occupancy, or operation. The CSIA process:

1. Identifies potential threats to public safety, property, and environmental resources.
2. Assesses the capacity of existing emergency services to respond effectively to credible incidents.
3. Ensures that necessary risk mitigation measures are incorporated into the facility design and operational protocols.
4. Provides transparency and public accountability in decision-making affecting community safety.

III. Proposed CSIA Applicability and Trigger Thresholds

The CSIA requirement would apply to any new construction, substantial expansion, or modification of facilities that meet one or more of the following criteria:

1. Energy storage capacity exceeding 10MWh (including all forms of battery storage, fuel storage, or related systems).
2. Storage or handling of hazardous materials exceeding thresholds defined under federal or state law.
3. Use of processes or systems identified by the County Fire Marshal as posing significant fire, explosion, or life safety hazards.

Routine commercial and residential developments not involving such risks would be exempt.

IV. Required Components of the Community Safety Impact Assessment

To ensure consistency, applicants subject to the CSIA requirement would be required to submit a written report including, at a minimum, the following elements:

A. Project Description

- Detailed description of the proposed facility, including use, size, hazardous materials inventory, and technology involved.

B. Site Plan and Vicinity Map

- Scaled site plan showing facility layout, distance to nearby homes, schools, businesses, sensitive environmental areas, and existing emergency access routes.

C. Hazard Identification

- Identification of potential hazards, including but not limited to fire, explosion, toxic gas release, environmental contamination, or infrastructure failure.

D. Public Safety Impact Analysis

- Assessment of the potential consequences of each identified hazard to human life, public health, property, and the environment.

E. Emergency Response Capability Assessment

- Evaluation of whether current local fire, EMS, and law enforcement agencies have adequate training, equipment, and capacity to respond effectively to identified hazards.

F. Mitigation Measures

- Description of proposed engineering, operational, and emergency management measures to prevent or reduce the severity of incidents.

G. Community Risk Communication Plan

- Proposed strategy for informing nearby residents, businesses, and community stakeholders of risks and emergency procedures.

H. Environmental Impact Statement (if applicable)

- Assessment of potential air, soil, water, and wildlife impacts associated with foreseeable accident scenarios.

V. County Review and Enforcement Process

1. CSIA reports would be submitted as part of the Industrial Facility Fire Safety Permit application process.
2. The County Fire Marshal or a designated independent reviewer would evaluate each CSIA for adequacy and completeness.
3. The County Commissioners Court may conduct public hearings for large-scale or high-risk projects to allow for community input.
4. No construction, occupancy, or operation of the facility would be authorized until the CSIA is approved and any required mitigation measures are verified as implemented.

VI. Legal Justification

The proposed CSIA framework is consistent with the County's authority under Texas Local Government Code Chapter 352 to take proactive measures to identify, assess, and mitigate risks to life and property arising from hazardous activities in the unincorporated areas of the county. The requirement is narrowly tailored to address specific safety concerns and does not constitute impermissible zoning or land use regulation.

The CSIA process further serves as a procedural safeguard to demonstrate that the County has exercised due diligence in protecting public safety, thereby reducing potential liability exposure in the event of an incident.

VII. Conclusion and Next Steps

The adoption of a Community Safety Impact Assessment requirement would enhance the County's ability to ensure that high-risk industrial facilities, including BESS, are evaluated in a systematic, transparent, and safety-focused manner before construction and operation. This process provides a defensible legal and policy mechanism to delay or condition project approval where community safety risks have not been satisfactorily addressed.

If the County wishes to proceed, I recommend the preparation of:

1. Draft language for inclusion in the County's industrial permit regulations.
2. A standard CSIA submission form and checklist.
3. Optional public notice and hearing procedures for high-impact projects.