THIS MEETING WILL BE CONDUCTED UNDER PROCEDURES AUTHORIZED BY EXECUTIVE ORDER N-29-20 ISSUED BY GOVERNOR GAVIN NEWSOM

- MEMBERS OF THE BOARD OF DIRECTORS MAY PARTICIPATE BY TELECONFERENCE

- THE PUBLIC MAY OBSERVE THIS MEETING THROUGH THE WEBCAST OF THE MEETING BY CLICKING THE LINK AVAILABLE ON THE AIR DISTRICT’S AGENDA WEBPAGE FOR THE MEETING AVAILABLE AT

www.baaqmd.gov/bodagendas

- PUBLIC COMMENTS ON AGENDA ITEMS AND NON-AGENDA MATTERS FOR THIS MEETING MAY BE SUBMITTED BY EMAIL TO

Comments@baaqmd.gov

PLEASE INDICATE THE AGENDA ITEM TO WHICH YOUR EMAILED COMMENT IS ADDRESSED
AGENDA

1. CALL TO ORDER - ROLL CALL

PUBLIC MEETING PROCEDURE

The Committee Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Committee members.

This meeting will be webcast. To see the webcast, please visit www.baaqmd.gov/bodagendas at the time of the meeting. Closed captioning may contain errors and omissions and are not certified for their content or form.

Email Comment on Agenda Items: The public may comment on each item on the agenda. Email Comments for items on the agenda must be submitted to Comments@baaqmd.gov prior to the Committee taking up the particular item and indicate the agenda item to which the comment relates. Emailed comments will be considered as the agenda item is taken up by the Committee. Emailed comments containing 250 words or less will be read aloud by staff. Emailed comments exceeding 250 words may be summarized during the meeting, if feasible.

Staff/Phone (415) 749-

2. CONSIDERATION OF NEW BILLS          A. Abbs/8437
aabbs@baaqmd.gov

Staff will present bills of interest and recommend the Committee recommend that the Board of Directors take positions on high priority bills where appropriate.

3. PUBLIC COMMENT ON NON-AGENDA MATTERS

Emailed comments indicating the comment pertains to non-agenda matters will be considered under this item. Emailed comments containing 250 words or less will be read aloud by staff. Emailed comments exceeding 250 words may be summarized during the meeting, if feasible.

4. COMMITTEE MEMBER COMMENTS / OTHER BUSINESS

Any member of the Committee, or its staff, on his or her own initiative or in response to questions posed by the public, may ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov’t Code § 54954.2).
5. **TIME AND PLACE OF NEXT MEETING**

*At the Call of the Chair.*

6. **ADJOURNMENT**

*The Committee meeting shall be adjourned by the Committee Chair.*
Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the District’s offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

**Accessibility and Non-Discrimination Policy**

The Bay Area Air Quality Management District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District’s policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at [www.baaqmd.gov/accessibility](http://www.baaqmd.gov/accessibility) to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District’s Non-Discrimination Coordinator, Rex Sanders, at (415) 749-4951 or by email at rsanders@baaqmd.gov.
<table>
<thead>
<tr>
<th>TYPE OF MEETING</th>
<th>DAY</th>
<th>DATE</th>
<th>TIME</th>
<th>ROOM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board of Directors Legislative Committee</td>
<td>Wednesday</td>
<td>15</td>
<td>8:30 a.m.</td>
<td>Webcast only pursuant to Executive Order N-29-20</td>
</tr>
<tr>
<td>Board of Directors Ad Hoc Building Oversight Committee</td>
<td>Wednesday</td>
<td>15</td>
<td>9:00 a.m.</td>
<td>Webcast only pursuant to Executive Order N-29-20</td>
</tr>
<tr>
<td>Board of Directors Regular Meeting</td>
<td>Wednesday</td>
<td>15</td>
<td>9:30 a.m.</td>
<td>Webcast only pursuant to Executive Order N-29-20</td>
</tr>
<tr>
<td>Board of Directors Personnel Committee</td>
<td>Wednesday</td>
<td>15</td>
<td>1:00 p.m.</td>
<td>Webcast only pursuant to Executive Order N-29-20</td>
</tr>
<tr>
<td>Board of Directors Climate Protection Committee</td>
<td>Thursday</td>
<td>16</td>
<td>9:30 a.m.</td>
<td>Webcast only pursuant to Executive Order N-29-20</td>
</tr>
<tr>
<td>- CANCELLED &amp; RESCHEDULED TO WEDNESDAY, APRIL 22, 2020 AT 3:00 P.M.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Board of Directors Budget &amp; Finance Committee</td>
<td>Wednesday</td>
<td>22</td>
<td>9:30 a.m.</td>
<td>Webcast only pursuant to Executive Order N-29-20</td>
</tr>
<tr>
<td>Board of Directors Legislative Committee</td>
<td>Wednesday</td>
<td>22</td>
<td>10:30 a.m.</td>
<td>Webcast only pursuant to Executive Order N-29-20</td>
</tr>
<tr>
<td>Board of Directors Stationary Source Committee</td>
<td>Wednesday</td>
<td>22</td>
<td>12:00 p.m.</td>
<td>Webcast only pursuant to Executive Order N-29-20</td>
</tr>
<tr>
<td>Board of Directors Mobile Source Committee</td>
<td>Wednesday</td>
<td>22</td>
<td>2:00 p.m.</td>
<td>Webcast only pursuant to Executive Order N-29-20</td>
</tr>
<tr>
<td>Board of Directors Climate Protection Committee</td>
<td>Wednesday</td>
<td>22</td>
<td>3:00 p.m.</td>
<td>Webcast only pursuant to Executive Order N-29-20</td>
</tr>
<tr>
<td>Board of Directors Mobile Source Committee</td>
<td>Thursday</td>
<td>23</td>
<td>9:30 a.m.</td>
<td>Webcast only pursuant to Executive Order N-29-20</td>
</tr>
<tr>
<td>- CANCELLED &amp; RESCHEDULED TO WEDNESDAY, APRIL 22, 2020 AT 2:00 P.M.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TYPE OF MEETING</td>
<td>DAY</td>
<td>DATE</td>
<td>TIME</td>
<td>ROOM</td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td>---------</td>
<td>------</td>
<td>-----------</td>
<td>-------------------------------------------</td>
</tr>
<tr>
<td>Board of Directors Special Meeting Budget Hearing</td>
<td>Wednesday</td>
<td>6</td>
<td>9:30 a.m.</td>
<td>Webcast only pursuant to Executive Order N-29-20</td>
</tr>
<tr>
<td>Board of Directors Special Meeting</td>
<td>Wednesday</td>
<td>6</td>
<td>10:00 a.m.</td>
<td>Webcast only pursuant to Executive Order N-29-20</td>
</tr>
<tr>
<td>Board of Directors Community &amp; Public Health Committee</td>
<td>Thursday</td>
<td>7</td>
<td>9:30 a.m.</td>
<td>Webcast only pursuant to Executive Order N-29-20</td>
</tr>
<tr>
<td>Board of Directors Technology Implementation Office (TIO) Steering Committee</td>
<td>Friday</td>
<td>15</td>
<td>1:00 p.m.</td>
<td>Webcast only pursuant to Executive Order N-29-20</td>
</tr>
<tr>
<td>Board of Directors Budget &amp; Finance Committee - CANCELLED</td>
<td>Wednesday</td>
<td>27</td>
<td>9:30 a.m.</td>
<td>Webcast only pursuant to Executive Order N-29-20</td>
</tr>
<tr>
<td>Board of Directors Legislative Committee</td>
<td>Wednesday</td>
<td>27</td>
<td>9:30 a.m.</td>
<td>Webcast only pursuant to Executive Order N-29-20</td>
</tr>
<tr>
<td>Board of Directors Mobile Source Committee</td>
<td>Wednesday</td>
<td>27</td>
<td>11:00 a.m.</td>
<td>Webcast only pursuant to Executive Order N-29-20</td>
</tr>
<tr>
<td>Board of Directors Community &amp; Public Health Committee</td>
<td>Wednesday</td>
<td>27</td>
<td>12:30 p.m.</td>
<td>Webcast only pursuant to Executive Order N-29-20</td>
</tr>
</tbody>
</table>
RECOMMENDED ACTION

Recommend the Committee take the following positions on proposed legislation:

- Smog Check Exemption Bills: Assembly Bill (AB) 1972 (Voepel) and AB 2225 (Grayson) – “Oppose”
- Backup Generator Exemption Bills: AB 2182 (B. Rubio), Senate Bill (SB) 802 (Glazer), SB 1099 (Dodd), and SB 1185 (Moorlach) – “Oppose”
- Mobile Fueling On-Demand Tank Vehicles: AB 2792 (Quirk) – “Oppose”
- Air Quality Activity Recommendations: AB 2498 (Chu) – “Support”
- Greenhouse Gases: Crude Oil Emissions: AB 3217 (Gloria) – “Support”

Recommend the Committee consider requests from authors for support on the following proposed legislation:

- Green Electrolytic Hydrogen – SB 1122 (Skinner)
- Thermal Powerplants: exemption: emergency backup and standby generators: data centers – SB 858 (Beall)

BACKGROUND

The Committee will discuss and review the attached list, as well as an updated list of bills introduced by the date of its meeting. The Committee will also consider any new recommendations resulting from amended bills submitted by its meeting date.
DISCUSSION

Staff will provide a brief summary of bills on the attached list, with a focus on the following bills:

Smog Check Exemption Bills- Recommend “Oppose”

AB 1972 Vehicular air pollution (Voepel – San Diego): This bill would exempt “collector cars” from several components of the smog check process required in Health and Safety Code Section 44012, including a check of the fuel evaporative and crankcase ventilation systems, a visual or functional check of required emissions control devices, and a determination of whether the vehicle complies with emission standards for that vehicles class and model year.

AB 2225 Smog check: exemption; historic vehicles (Grayson – Concord): AB 2225 would exempt vehicles with historic license plates from the smog check program. Smog check already exempts pre-1976 vehicles from smog check, but an exemption expansion to vehicles with historic plates potentially adds thousands of vehicles to the exemption list of model year 1976 through 1995. The problem with this bill is that a person that wants a “historic” license plate only needs to submit an application to the Department of Motor Vehicles (DMV) stating that their vehicle has historic value and self-certifying that the vehicle is primarily used only in parades and historic car events and not primarily for personal travel. The fact sheet for this bill goes further in promoting the idea that vehicles of certain makes/models that appear in popular movies such as The Fast and the Furious franchise could be considered as having historic value and be exempt from smog check.

Backup Generator Exemption Bills - Recommend “Oppose”

AB 2182 Emergency backup generators: water and wastewater facilities: exemption (B. Rubio – Baldwin Park): This bill proposes exemptions from hours of operation and maintenance and testing for generators used for the following: “facilities necessary or convenient in providing essential public services, including, but not limited to, facilities such as police stations, fire stations, emergency operations centers, water and wastewater treatment facilities, incident command posts, and communication systems used to support essential public services.” Water and wastewater are further defined to include any generator used to maintain water pressure, such as at a facility with its own firefighting water system. This is a bill looking to solve a problem that doesn’t exist as there has not been a documented case of any air district fining or suspending operation of a backup generator during an actual loss of power, regardless of whether it is a Public Safety Power Shutoff (PSPS) event or regular loss of power. With respect to maintenance and testing hours, air district permits reflect existing state regulations that consider the age and emission control of the generator, as well as the proximity to sensitive populations.

SB 802 Emergency backup generators: health facilities: permit operating condition exclusion (Glazer – Orinda): This bill is similar to AB 2182, but for health facilities, requiring air districts to revise rules and permit conditions to exempt hours of use and maintenance and testing related to PSPS events from counting towards hours listed in any permit limitations. Also, like AB 2182,
there is not a documented instance of an air district fining or shutting down a health care facility for using a backup generator during an outage.

SB 1099 Emergency backup generators: critical facilities: exemption (Dodd – Napa): This bill is very similar to AB 2182 in that it targets the same “critical facilities.” This bill goes a step farther by adding gas turbines for power generation applicable to receiving operating exemptions, taking away an air district’s ability to even charge a fee for a new permit or permit renewal for backup generation serving critical facilities. While it is unknown what the ultimate fiscal effect would be, the Air District has roughly 8,500 backup generators under permit.

SB 1185 Natural gas powered generators: operation during deenergization events (Moorlach – Costa Mesa): This bill would prohibit an air district from adopting or maintain a rule limiting or prohibiting the use of a natural gas generator during deenergization events, specifically identifying limits on hours of usage and maintenance and testing. Like the other bills, the proponents haven’t identified situations that demonstrate a need for the bill.

Other Bills - Position Noted Below

AB 2792 Mobile fueling on-demand tank vehicles (Quirk – Hayward): This bill would strip air districts from having authority to permit app-based businesses that deliver and pump gas to a customer’s car, creating unregulated “pop-up gas stations.” Vapor control on mobile fuelers is less effective than control at traditional stationary gas stations, and air districts that have overseen activities of on-demand fuelers have noted violations of several local and state fuel regulations. In response, the bill’s proponents are not seeking to work with the California Air Resources Board (CARB) and local air districts to develop regulations and permit conditions that would allow them to operate while being protective of public health, but instead are seeking to exempt themselves from air district oversight and permit fees, and to only require themselves to get a certification from CARB to meet air quality requirements and operate statewide. Recommend “Oppose”

AB 2498 Interscholastic athletics: California Interscholastic Federation (CIF): air quality activity recommendations (Chu – San Jose): This bill would require the CIF, the body governing junior high school and high school sports, to develop a guide of recommendations relating to air quality and its impacts on school athletic activity. It would also require schools to educate their administrators and coaches on how to use the recommendations. Recommend “Support”

AB 3217 Greenhouse gases: crude oil emissions (Gloria – San Diego): This bill would require information, via crude oil assays, that would be used to better understand the carbon intensity and environmental impacts of in-state oil production as well as all refinery processing. Recommend “Support”

Support Requests from Bill Authors

The Air District has received requests for support regarding the two bills noted below, and may have a recommendation at the meeting.
SB 858 Thermal Powerplants: exemption: emergency backup and standby generators: data centers (Beall – San Jose): This bill would exempt future data center backup generator projects from permitting through the California Energy Commission (CEC). The CEC typically only handles permitting for power plants greater than 50MW that supply power to the grid but has historically also done permitting for data center backup power plants even though they don’t provide power to the grid. If this bill was to pass, lead agency authority would likely shift to the local planning agency which would perform the California Environmental Quality Act (CEQA) review. As a responsible agency this theoretically wouldn’t affect the air district, unless the new lead agency was less skilled at performing the required review.

SB 1122 Green electrolytic hydrogen (Skinner – Berkley): This bill would require various agencies to develop a plan to create “green hydrogen,” i.e. using excess solar and wind power to create hydrogen that could then be used as a zero carbon-emitting fuel.

**Review of Other Bills of Interest**

Staff will review other bills that may be of interest to the Committee.

**BUDGET CONSIDERATION/FINANCIAL IMPACT**

None at this time.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Jack P. Broadbent

Attachment 2A: AB 1972 (Voepel) – Fact Sheet
Attachment 2B: AB 1972 (Voepel) – Bill Language
Attachment 2C: AB 2225 (Grayson) – Fact Sheet
Attachment 2D: AB 2225 (Grayson) – Bill Language
Attachment 2E: AB 2182 (B. Rubio) – Fact Sheet
Attachment 2F: AB 2182 (B. Rubio) – Bill Language
Attachment 2G: SB 802 (Glazer) – Fact Sheet
Attachment 2H: SB 802 (Glazer) – Bill Language
Attachment 2I: SB 1099 (Dodd) – Fact Sheet
Attachment 2J: SB 1099 (Dodd) – Bill Language
Attachment 2K: SB 1185 (Moorlach) – Fact Sheet
Attachment 2L: SB 1185 (Moorlach) – Bill Language
Attachment 2M: AB 2792 (Quirk) – Fact Sheet
Attachment 2N: AB 2792 (Quirk) – Bill Language
Attachment 2O: AB 2498 (Chu) – Fact Sheet
Attachment 2P: AB 2498 (Chu) – Bill Language
Attachment 2Q: AB 3217 (Gloria) – Fact Sheet
Attachment 2R: AB 3217 (Gloria) – Bill Language
Attachment 2S: SB 1122 (Skinner) – Bill Language
Attachment 2T: SB 858 (Beall) – Fact Sheet
Attachment 2U: SB 858 (Beall) – Bill Language
Attachment 2V: Current Bills of Interest Matrix
Collector Motor Vehicles

SUMMARY OF PROPOSED BILL:

To ensure that owners of collector cars are given the limited exemption from smog checks that is required by law.

PROBLEM & NEED FOR BILL:

Under AB 2863 of 2004, exemption for smog checks for older cars was changed. In the process, a procedure for a partial exemption for collector car was created. A collector car would be exempt from one part of the inspection process if the cars met three conditions (CA H&S Code 44011 (c)(1-3)). Unfortunately, this exemption has never been available at traditional smog check stations. The owner of a collector cars must go to so-called referees to avail themselves of this limited exemption. Few collector car owners are even aware of the requirement, and those that have availed themselves of the process have found referees unfamiliar with the process. The leadership of Association of California Car Clubs (ACCC) – which represents more than 200 car clubs in California – is not aware of any individual who has ever been able to make use of the exemption.

Reasons for the bill:

The purpose of this bill is to remove the conditions in CA H&S Code 44011 (c)(1-3) thus allowing collector car owners the exemption granted to them in 2004. Under AB 1972, the three-part test is removed. However, the limited exemption would only apply to a “collector motor vehicle” as defined in Sections 259 of the Vehicle Code as a “motor vehicle is used primarily in shows, parades, charitable functions, and historical exhibitions for display, maintenance, and preservation, and is not used primarily for transportation.” That Section in turn references two other sections of the Vehicle Code – Sections 5004 and 5051 – which further limits it to cars 25 years and older.

SUPPORT:

ASSOCIATION OF CALIFORNIA CAR CLUBS (ACCC)

OPPOSITION:

N/A

CONTACT: ADAM BOMAN (916) 319-2071
An act to amend Section 44011 of the Health and Safety Code, relating to vehicular air pollution.

LEGISLATIVE COUNSEL’S DIGEST

AB 1972, as introduced, Voepel. Vehicular air pollution.

Existing law establishes a motor vehicle inspection and maintenance (smog check) program that is administered by the Department of Consumer Affairs. The smog check program requires inspection of motor vehicles upon initial registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances. Existing law exempts collector motor vehicles, as defined, from emissions control inspection if the vehicle meets specified criteria.

This bill would exempt all collector motor vehicles from these requirements.


The people of the State of California do enact as follows:

1 SECTION 1. Section 44011 of the Health and Safety Code is amended to read:
2   44011. (a) All motor vehicles powered by internal combustion engines that are registered within an area designated for program
coverage shall be required biennially to obtain a certificate of compliance or noncompliance, except for the following:

(1) All motorcycles until the department, pursuant to Section 44012, implements test procedures applicable to motorcycles.

(2) All motor vehicles that have been issued a certificate of compliance or noncompliance or a repair cost waiver upon a change of ownership or initial registration in this state during the preceding six months.

(3) All motor vehicles manufactured prior to the 1976 model-year.

(4) (A) Except as provided in subparagraph (B), all motor vehicles four or less model-years old.

(B) (i) Beginning January 1, 2005, all motor vehicles six or less model-years old, unless the state board finds that providing an exception for these vehicles will prohibit the state from meeting the requirements of Section 176(c) of the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.) or the state’s commitments with respect to the state implementation plan required by the federal Clean Air Act.

(ii) Notwithstanding clause (i), beginning January 1, 2019, all motor vehicles eight or less model-years old, unless the state board finds that providing an exception for these vehicles will prohibit the state from meeting the requirements of Section 176(c) of the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.) or the state’s commitments with respect to the state implementation plan required by the federal Clean Air Act.

(iii) Clause (ii) does not apply to a motor vehicle that is seven model-years old in year 2018 for which a certificate of compliance has been obtained.

(C) All motor vehicles excepted by this paragraph shall be subject to testing and to certification requirements as determined by the department, if any of the following apply:

(i) The department determines through remote sensing activities or other means that there is a substantial probability that the vehicle has a tampered emission control system or would fail for other cause a smog check test as specified in Section 44012.

(ii) The vehicle was previously registered outside this state and is undergoing initial registration in this state.

(iii) The vehicle is being registered as a specially constructed vehicle.
(iv) The vehicle has been selected for testing pursuant to Section 44014.7 or any other provision of this chapter authorizing out-of-cycle testing.

(D) This paragraph does not apply to diesel-powered vehicles.

(5) In addition to the vehicles exempted pursuant to paragraph (4), any motor vehicle or class of motor vehicles exempted pursuant to subdivision (c) of Section 44024.5. It is the intent of the Legislature that the department, pursuant to the authority granted by this paragraph, exempt at least 15 percent of the lowest emitting motor vehicles from the biennial smog check inspection.

(6) All motor vehicles that the department determines would present prohibitive inspection or repair problems.

(7) Any vehicle registered to the owner of a fleet licensed pursuant to Section 44020 if the vehicle is garaged exclusively outside the area included in program coverage, and is not primarily operated inside the area included in program coverage.

(8) (A) All diesel-powered vehicles manufactured prior to the 1998 model-year.

(B) All diesel-powered vehicles that have a gross vehicle weight rating of 8,501 to 10,000 pounds, inclusive, until the department, in consultation with the state board, pursuant to Section 44012, implements test procedures applicable to these vehicles.

(C) All diesel-powered vehicles that have a gross vehicle weight rating from 10,001 pounds to 14,000 pounds, inclusive, until the state board and the Department of Motor Vehicles determine the best method for identifying these vehicles, and until the department, in consultation with the state board, pursuant to Section 44012, implements test procedures applicable to these vehicles.

(D) All diesel-powered vehicles that have a gross vehicle weight rating of 14,001 pounds or greater.

(b) Vehicles designated for program coverage in enhanced areas shall be required to obtain inspections from appropriate smog check stations operating in enhanced areas.

(c) For purposes of subdivision (a), a collector motor vehicle, as defined in Section 259 of the Vehicle Code, is exempt from those portions of the test required by subdivision (f) of Section 44012 if the collector motor vehicle meets all of the following criteria:
(1) Submission of proof that the motor vehicle is insured as a collector motor vehicle, as shall be required by regulation of the bureau.

(2) The motor vehicle is at least 35 model-years old.

(3) The motor vehicle complies with the exhaust emissions standards for that motor vehicle’s class and model-year as prescribed by the department, and the motor vehicle passes a functional inspection of the fuel cap and a visual inspection for liquid fuel leaks.
Summary:
AB 2225 would exempt motor vehicles from smog check regardless of model year if the vehicle has specialty plates that have been issued to an owner of a motor vehicle that is operated primarily for purposes of historical exhibition and the vehicle meets certain requirements.

Background:
In California all motor vehicles powered by an internal combustion engine are required to biennially obtain a certificate of compliance demonstrating that they meet the state’s clean air standards. This is commonly referred to as a smog check.

In 1997, a rolling exemption was enacted for all vehicles 30 years and older beginning in 2003. Prior to the bill’s enactment, the exemption cutoff was 1965. In 2004, AB 2683 repealed the 30-year exemption which requires all motor vehicles that are 1976 and newer undergo biennial smog checks, regardless of the vehicles primary use.

Under existing law, special license plates are issued to vehicles of historic value and interest that meet certain age requirements. Vehicles assigned historical vehicle license plates are limited to operation or movement over the highway primarily for the purpose of historical exhibition or other similar, noncommercial purposes, such as parades or historic vehicle club activities.

Problem:
California is the historical epicenter of car culture in America. In recent years, numerous media outlets have published stories claiming that America’s love affair with cars is on the decline, particularly amongst young people. This is supported by research that cites an aging customer base as one of the largest hurdles facing the specialty automotive industry.

According to market research conducted by the Specialty Equipment Market Association (SEMA), 7.9 million young people ages 16-24, including 2.5 million young women, participate in the restoration and improvement of their vehicles, the plurality of which live in the western United States.\(^1\) Economically, young people spent $7.2 billion improving their vehicles in 2018 with 71% preferring to work on their cars themselves.

While research clearly indicates a desire amongst young women and men to engage in this STEM-related hobby, cost and government regulation are cited as the largest barriers to entry.

Solution:
AB 2225 would exempt vehicles issued historical license plates from the state’s smog check program, thus preserving an important historic aspect of California’s culture and providing regulatory and economic relief to young people seeking to engage in the STEM-related activity of restoring modern classic vehicles.

Vehicles eligible for historical license plates consist of those at least 25 years old and of historic value. This includes many of the vehicles popularized by The Fast and the Furious film franchise, including the 1993 Mazda RX-7, 1994 Acura Integra, and 1995 Toyota Supra.

According to the DMV, registered historical vehicles make up only a small portion of the state’s vehicle population (approximately 0.02%).\(^2\) Exempting these vehicles from the smog check requirement would have a negligible impact on air quality and ensure that an important part of California’s history lives on for future generations.

Sponsor:
Specialty Equipment Market Association

Staff Contact:
Madison Vander Klay
Madison.Vanderklay@asm.ca.gov
(916) 319-2014

---


\(^2\) [https://www.dmv.ca.gov/portal/wcm/connect/fad3447-8e14-4ff6-bb98-e85f3aa9a207/ca_dmv_stats.pdf?MOD=AJPERES&CVID=]
An act to amend Section 44011 of the Health and Safety Code, relating to vehicular air pollution.

LEGISLATIVE COUNSEL’S DIGEST

AB 2225, as introduced, Grayson. Smog check: exemption: historic vehicles.

Existing law establishes a motor vehicle inspection and maintenance (smog check) program that is administered by the Department of Consumer Affairs. The smog check program requires inspection of motor vehicles upon initial registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances. Existing law, except as provided, exempts motor vehicles that meet certain requirements from being inspected biennially upon renewal of registration.

Existing law requires the Department of Motor Vehicles, upon application, to issue a specialty license plate to an owner of a motor vehicle that is operated primarily for purposes of historical exhibition or other similar purposes and the vehicle meets certain requirements.

This bill would exempt motor vehicles that have been issued with the specialty plate described above from the requirement that it be inspected biennially upon registration.

The people of the State of California do enact as follows:

SECTION 1. Section 44011 of the Health and Safety Code is amended to read:

44011. (a) All motor vehicles powered by internal combustion engines that are registered within an area designated for program coverage shall be required biennially to obtain a certificate of compliance or noncompliance, except for the following:

(1) All motorcycles until the department, pursuant to Section 44012, implements test procedures applicable to motorcycles.

(2) All motor vehicles that have been issued a certificate of compliance or noncompliance or a repair cost waiver upon a change of ownership or initial registration in this state during the preceding six months.

(3) All motor vehicles manufactured prior to the 1976 model-year.

(4) (A) Except as provided in subparagraph (B), all motor vehicles four or less model-years old.

(B) (i) Beginning January 1, 2005, all motor vehicles six or less model-years old, unless the state board finds that providing an exception for these vehicles will prohibit the state from meeting the requirements of Section 176(c) of the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.) or the state’s commitments with respect to the state implementation plan required by the federal Clean Air Act.

(ii) Notwithstanding clause (i), beginning January 1, 2019, all motor vehicles eight or less model-years old, unless the state board finds that providing an exception for these vehicles will prohibit the state from meeting the requirements of Section 176(c) of the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.) or the state’s commitments with respect to the state implementation plan required by the federal Clean Air Act.

(iii) Clause (ii) does not apply to a motor vehicle that is seven model-years old in year 2018 for which a certificate of compliance has been obtained.

(C) All motor vehicles excepted by this paragraph shall be subject to testing and to certification requirements as determined by the department, if any of the following apply:

(i) The department determines through remote sensing activities or other means that there is a substantial probability that the vehicle
has a tampered emission control system or would fail for other cause a smog check test as specified in Section 44012. (ii) The vehicle was previously registered outside this state and is undergoing initial registration in this state. (iii) The vehicle is being registered as a specially constructed vehicle. (iv) The vehicle has been selected for testing pursuant to Section 44014.7 or any other provision of this chapter authorizing out-of-cycle testing. (D) This paragraph does not apply to diesel-powered vehicles. (5) In addition to the vehicles exempted pursuant to paragraph (4), any motor vehicle or class of motor vehicles exempted pursuant to subdivision (c) of Section 44024.5. It is the intent of the Legislature that the department, pursuant to the authority granted by this paragraph, exempt at least 15 percent of the lowest emitting motor vehicles from the biennial smog check inspection. (6) All motor vehicles that the department determines would present prohibitive inspection or repair problems. (7) Any vehicle registered to the owner of a fleet licensed pursuant to Section 44020 if the vehicle is garaged exclusively outside the area included in program coverage, and is not primarily operated inside the area included in program coverage. (8) (A) All diesel-powered vehicles manufactured prior to the 1998 model-year. (B) All diesel-powered vehicles that have a gross vehicle weight rating of 8,501 to 10,000 pounds, inclusive, until the department, in consultation with the state board, pursuant to Section 44012, implements test procedures applicable to these vehicles. (C) All diesel-powered vehicles that have a gross vehicle weight rating from 10,001 pounds to 14,000 pounds, inclusive, until the state board and the Department of Motor Vehicles determine the best method for identifying these vehicles, and until the department, in consultation with the state board, pursuant to Section 44012, implements test procedures applicable to these vehicles. (D) All diesel-powered vehicles that have a gross vehicle weight rating of 14,001 pounds or greater. (9) All motor vehicles that have a license plate issued in accordance with Section 5004 of the Vehicle Code.
(b) Vehicles designated for program coverage in enhanced areas shall be required to obtain inspections from appropriate smog check stations operating in enhanced areas.

(c) For purposes of subdivision (a), a collector motor vehicle, as defined in Section 259 of the Vehicle Code, is exempt from those portions of the test required by subdivision (f) of Section 44012 if the collector motor vehicle meets all of the following criteria:

(1) Submission of proof that the motor vehicle is insured as a collector motor vehicle, as shall be required by regulation of the bureau.

(2) The motor vehicle is at least 35 model-years old.

(3) The motor vehicle complies with the exhaust emissions standards for that motor vehicle’s class and model-year as prescribed by the department, and the motor vehicle passes a functional inspection of the fuel cap and a visual inspection for liquid fuel leaks.
AB 2182 (Rubio)

Standby Electric Power for Critical Facilities during Public Safety Power Shutoff

BILL SUMMARY
This bill would provide flexibility for all critical service providers to use and maintain emergency power generators for Public Safety Power Shutoff (PSPS) events. This flexibility would be accomplished by: (1) confirming that backup power generation during PSPS events is considered emergency use of generators; (2) ensuring that generator use for PSPS events is not limited by any time constraints; and, (3) by providing testing and maintenance flexibility for these backup generators due to the strenuous nature of their use during PSPS events.

EXISTING LAW
Existing law generally delegates non-vehicular air pollution control to Air Quality Management Districts (AQMD). This includes non-vehicular sources such as backup generators that are used by facilities in the event of loss of electricity. Limitations on emergency power sources may include yearly hour caps and maintenance requirements, though these vary by AQMD.

BACKGROUND
California’s investor-owned electric utilities are taking steps to ensure their equipment does not start a wildfire, in part by implementing PSPS. These PSPS events, however, leave many critical service providers without power, including water and wastewater agencies.

Water and wastewater agencies are responsible for providing essential public health and safety services, including drinking water, wastewater treatment, and water for fire suppression. Supplying and treating water and wastewater requires reliable energy, and without electric utilities providing that power, water agencies must secure alternative reliable sources of power. In a worst-case scenario, without electricity, there is the potential for public water agencies to issue boil-orders to the public, water delivery to temporarily stop, or raw sewage to enter public waterways.

When PSPS protocols were implemented last fall, a number of challenges related to backup power generation came to light.

First, it was unclear if use of generators during PSPS events was considered “emergency use” under state and local rules. While the California State Air Resources Board (CARB) has issued guidance that it is considered emergency use, uncertainty remains.

Second, rules regarding emergency generator use vary significantly around the state, and in some regions, the local air quality management districts have implemented strict limits on the amount of time that an emergency generator can be used, which has catastrophic implications if a critical facility runs up against that limit during a PSPS event.

Finally, CARB has established rules regarding testing and maintenance limits for emergency generators. While these rules may be adequate for normal generator use, PSPS events last several days and these generators are under tremendous strain for which they were not designed. Ultimately, a lack of rigorous testing and maintenance of these generators can and has led to failures of backup power systems during PSPS events.

DETAILS OF THE BILL
This bill adds article 9.4 (commencing with Section 42005) to chapter 3 of part 4 of Division 26 of the Health and Safety Code exempting the operation of alternative power sources by critical care facilities, as defined, during the event of a Public Safety Power Shut-off.

SUPPORT
Association of California Water Agencies (Sponsor)

FOR MORE INFORMATION
Dan Folwarkow
Office of Assemblywoman Blanca E. Rubio
State Capitol, Rm. 5175
(916) 319-2048
Daniel.folwarkow@asm.ca.gov
An act to add Article 9.4 (commencing with Section 42005) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, relating to nonvehicular air pollution.

LEGISLATIVE COUNSEL’S DIGEST

AB 2182, as introduced, Blanca Rubio. Emergency backup generators: water and wastewater facilities: exemption.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law requires the State Air Resources Board to identify toxic air contaminants that are emitted into the ambient air of the state and to establish airborne toxic control measures to reduce emissions of toxic air contaminants from nonvehicular sources.

This bill would exempt the operation of an alternative power source, as defined, to provide power to a critical facility, as defined, from any local, regional, or state regulation regarding the operation of that source. The bill would authorize providers of essential public services, in lieu of compliance with applicable legal requirements, to comply with the maintenance and testing procedure set forth in the National Fire Protection Association Standard for Emergency and Standby Power System, NFPA 110, for alternative power sources designated by the providers for the support of critical facilities.
The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:
(a) Due to climate change, California’s risk for catastrophic wildfires has increased substantially and California’s wildfire season is now longer and more intense.
(b) Catastrophic wildfires have had and continue to have an enormous impact on California, taking and threatening life, property, and our environment, and costing the state billions of dollars.
(c) Public safety power shutoffs and deenergization events, while necessary to protect California from catastrophic wildfires, impact essential public services, including firefighting, police, and water services, which are necessary to respond to a wildfire.
(d) Given the importance of essential public services in responding to wildfire, it is crucial to ensure the essential public service provider has access to alternative power sources during public safety power shutoffs and other deenergization events to maintain California’s ability to respond to wildfire.

SEC. 2. Article 9.4 (commencing with Section 42005) is added to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, to read:

Article 9.4. Standby Electric Generation

For purposes of this article, the following terms apply:
(a) “Alternative power source” means equipment that is used by an essential public service provider to produce electricity to directly run a critical facility during a deenergization event.
(b) “Critical facility” means a facility necessary or convenient in providing essential public services, including, but not limited to, facilities such as police stations, fire stations, emergency operations centers, water and wastewater treatment facilities, incident command posts, and communication systems used to support essential public services.
(c) “Deenergization event” means the loss of electricity to a critical facility due to an emergency, including, but not limited to, wildfire.

(d) “Essential public service” means fire prevention, protection, and response, law enforcement, provision of water and wastewater service, disaster medical response, and other emergency response services.

(e) “Water and wastewater facilities” mean water and wastewater facilities critical to maintain public health and safety standards, including, but not limited to, treatment plants, pumping stations and other storage facilities, and water facilities needed to maintain water service and water pressure necessary for firefighting.

42007. (a) Notwithstanding other law, the use of an alternative power source by a provider of essential services to operate a critical facility during a deenergization event shall not be subject to any local, regional, or state regulation regarding the operation of an alternative power source.

(b) Notwithstanding other law, in lieu of compliance with any applicable legal requirements, a provider of essential public service may comply with the maintenance and testing procedure set forth in the National Fire Protection Association Standard for Emergency and Standby Power Systems, NFPA 110, or any successor standard adopted by the association, for an alternative power source designated by the provider for the support of a critical facility during a deenergization event.
Summary:
This bill would allow health facilities to operate emergency backup generators during public safety power shutoffs (PSPS) without having that usage count towards time limitations established by air districts.

Issue:
Nearly 250 hospitals were impacted by fires and power outages during the 2019 fire season. It was thanks to back-up electrical generators that many of these hospitals were able to remain open. Though some elective surgeries and appointments were rescheduled, the day-to-day functions at most hospitals remained normal.

Health facilities are important resources to communities during PSPS events. Whether providing emergency medical care, support or serving as a meeting place for affected members of the community to charge their phones, it is important that these facilities have power in order to remain open to serve their community.

Currently, local air management districts determine the number of hours that health facilities and other service providers may use emergency electric generators without facing penalties or fines. Given the services that health facilities provide to their communities during PSPS events, it is important that they are not forced to consider closing.

By clarifying that the hours of emergency electric generator use during a PSPS event do not count towards total hours a health facility may use an emergency electric generator before being penalized, this bill ensures hospitals will remain open during these events to serve the community as needed.

Existing Law:
Existing law provides that electric corporations have procedures and protocols in place to mitigate the public safety and public health impacts of deenergization events. In addition, under state and federal law, hospitals are required to have emergency electrical generators on site.

Existing law also provides that air quality management districts are responsible for controlling air pollution from all sources other than vehicular sources. Local air quality management districts issue permits to hospitals, allowing hospitals to run these generators for a certain number of hours each year before facing penalties.

No existing law that clarifies that hospitals are permitted to use emergency backup generators during public safety power shutoffs without it counting towards their annual hours.

Proposal:
This bill would provide that the number of hours that health facilities use emergency electric generators during a public safety power shutoff would not count towards their total hours of use permitted by the local air quality management district and clarify that health facilities will not be fined or penalized for those hours of use.

Under this bill, electric corporations would be required to report data on deenergization events throughout the year to local air quality management districts.

Contact:
Policy: McKinley Thompson-Morley, Leg Aide
916.651.4007 or mckinley.thompson-morley@sen.ca.gov

1 https://www.modernhealthcare.com/providers/california-hospitals-rely-generators-during-pge-power-outages
SENATE BILL No. 802

Introduced by Senator Glazer
(Principal coauthor: Assembly Member Bauer-Kahan)
(Coauthors: Senators Dodd, Hill, Nielsen, and Wilk)

January 7, 2020

An act to add Article 9.3 (commencing with Section 42000) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, and to amend Section 8385 of, and to add Section 8386.7 to, the Public Utilities Code, relating to nonvehicular air pollution.

LEGISLATIVE COUNSEL’S DIGEST

SB 802, as introduced, Glazer. Emergency backup generators: health facilities: permit operating condition exclusion.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law requires the State Air Resources Board to identify toxic air contaminants that are emitted into the ambient air of the state and to establish airborne toxic control measures to reduce emissions of toxic air contaminants from nonvehicular sources.

This bill would require an air district to adopt a rule or revise its existing rules, consistent with federal law, to allow a health facility that has received a permit from the district to construct and operate an emergency backup generator to use that emergency backup generator during a deenergization event without having that usage count toward any time limitation on actual usage and routine testing and maintenance included as a condition for issuance of that permit. By requiring air
districts to adopt or revise its rules, the bill would impose a state-mandated local program.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities are under the direction of their governing boards. Electrical cooperatives are subject to the regulatory authority of the commission, except as specified. Existing law requires each electrical corporation to annually prepare and submit a wildfire mitigation plan to the commission for review and approval, as specified. Following approval, the commission is required to oversee compliance with the plans. Existing law requires each local publicly owned electric utility and electrical cooperative to annually prepare a wildfire mitigation plan and to verify that the wildfire mitigation plan complies with all applicable rules, regulations, and standards, as appropriate. Existing law requires a wildfire mitigation plan of an electrical corporation to include, among other things, protocols for deenergizing portions of the electrical distribution system that consider the associated impacts on public safety, as well as protocols related to mitigating the public safety impacts of those protocols, including impacts on critical first responders and on health and communications infrastructure. Existing law requires a wildfire mitigation plan of an electrical corporation to also include appropriate and feasible procedures for notifying a customer who may be impacted by the deenergizing of electrical lines and requires these procedures to consider the need to notify, as a priority, critical first responders, health care facilities, and operators of telecommunications infrastructure with premises within the footprint of a potential deenergization event. Existing law requires that an electrical cooperative and a local publicly owned electric utility consider these matters when developing and implementing a wildfire mitigation plan.

If an electrical corporation, electrical cooperative, or local publicly owned electric utility has undertaken a deenergization event during a calendar year, this bill would require the electrical corporation, electrical cooperative, or local publicly owned electric utility, by January 30 of the following calendar year, to submit a report with specified information to each air quality management district and air pollution control district affected by the deenergization event.

Under existing law, a violation of any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because this bill would require action by the commission to implement its requirements, and a violation of that action would be a crime, the
Bill would impose a state-mandated local program by creating a new crime. By requiring local publicly owned electric utilities to report matters to air quality management districts and air pollution control districts the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for specified reasons.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.


The people of the State of California do enact as follows:

SECTION 1. Article 9.3 (commencing with Section 42000) is added to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, to read:

Article 9.3. Emergency Backup Generators

42000. For purposes of this article, the following terms apply:

(a) “Deenergization event” means the proactive interruption of electrical service for the purpose of mitigating or avoiding the risk of causing a wildfire.

(b) “Electrical corporation” has the same meaning as defined in Section 218 of the Public Utilities Code.

(c) “Emergency backup generator” means a device used for the generation of electricity for emergency use that is subject to the State Air Resources Board’s Airborne Toxic Control Measure for Stationary Compression Ignition Engines (Section 93115.1 of Title 17 of the California Code of Regulations, and following). For these purposes, “emergency use” has the same meaning as defined in Section 93115.4 of Title 17 of the California Code of Regulations.

(d) “Health facility” has the same meaning as defined in Section 1250.
(e) “Local publicly owned electric utility” has the same meaning as defined in Section 224.3 of the Public Utilities Code.

(f) “Permit” means a permit issued by the district pursuant to Article 1 (commencing with Section 42300) of Chapter 4.

Consistent with federal law, a district shall adopt a rule, or revise its existing rules, to allow a health facility that has received a permit from the district to construct and operate an emergency backup generator to use that emergency backup generator during a deenergization event without having that usage count toward any time limitation on actual usage and routine testing and maintenance included as a condition for issuance of that permit.

For a health facility that receives notice of a planned deenergization event, whether made specifically to the facility or made generally to the public, the period of permissible use exempt from the time limitation on actual usage shall encompass the period commencing when the health facility is notified that the deenergization will or will likely commence, and concluding when the health facility receives notification, whether specific or general, that reliable electrical service has been restored.

SEC. 2. Section 8385 of the Public Utilities Code is amended to read:

8385. (a) For purposes of this chapter, the following shall apply:

(1) “Compliance period” means a period of approximately one year.

(2) “Deenergization event” means the proactive interruption of electrical service for the purpose of mitigating or avoiding the risk of causing a wildfire.

(2) “Electrical cooperative” has the same meaning as defined in Section 2776.

(b) The commission shall supervise an electrical corporation’s compliance with the requirements of this chapter pursuant to the Public Utilities Act (Part 1 (commencing with Section 201) of Division 1). Nothing in this chapter affects the commission’s authority or jurisdiction over an electrical cooperative or local publicly owned electrical corporation; electric utility.

SEC. 3. Section 8386.7 is added to the Public Utilities Code, to read:
8386.7. If an electrical corporation, electrical cooperative, or local publicly owned electric utility has undertaken a deenergization event during a calendar year, the electrical utility shall submit a report, by January 30 of the following calendar year, to each air quality management district and air pollution control district affected by the deenergization event that includes all of the following:

(a) A description of the area affected by the deenergization event.

(b) A description of when the deenergization event began and when reliable electrical service was restored.

(c) A description of any notifications specifically provided to health care facilities that they would or would likely be affected by a deenergizing of electrical lines and when the deenergization event would likely begin or, absent specific notification, any notifications made generally to the public of when the deenergization event would or would likely commence.

(d) A description of any notifications specifically provided to health care facilities that reliable electrical service has been restored or, absent specific notification, any notifications made generally to the public that reliable electrical service has been restored.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB of the California Constitution for certain mandates because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

With respect to other mandates, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
SB 1099 – DODD
BACKUP GENERATION – CRITICAL FACILITIES – AIR QUALITY

**Summary**
SB 1099 would allow critical facilities, including water and wastewater agencies, to operate existing emergency backup generators during Public Safety Power Shutoffs (PSPS) or other losses of power without being out of compliance or subject to penalties from local air districts. This flexibility would ensure water continues to flow and wastewater continues to be treated during power outages, protecting public health and safety.

**Background**
Reliable backup power is critical for the protection of life and property during emergencies, including PSPS. For example, water and wastewater agencies need reliable power to support essential operations including maintaining pressure in their systems for water quality and fire flows. When electricity is not available due to a PSPS or another emergency loss of power such as a wildfire, water and wastewater agencies must employ their emergency standby generators.

**Existing Law**
Existing air quality regulations restrict the testing, use and operation of some standby generators during an emergency. In the South Coast Air Quality Management District, owners/operators of these generators are limited to a runtime of 200 hours per year for emergencies and the Air Resources Board limits annual maintenance and testing for certain generators to 20 hours pursuant to the Airborne Toxics Control Measure (ATCM). These testing and maintenance restrictions conflict with national standards.

**This Bill**
SB 1099 directs local air districts to adopt a rule, or revise existing rules, to allow critical facilities with a permitted emergency backup generator to continue to provide essential public services during a power outage without those hours counting toward the limits. Specifically, SB 1099 allows critical facilities to do the following:
- operate the generator during a PSPS or other emergency loss of power
- test or maintain the generator in accordance with NFPA Standard 110 or relevant best management practices

**Support**
California Municipal Utilities Association
Las Virgenes Municipal Water District
Regional Council of Rural Counties (RCRC)

**Contact**
Heather Hopkins, heather.hopkins@sen.ca.gov
SENATE BILL No. 1099

Introduced by Senator Dodd

February 19, 2020

An act to add Article 9.5 (commencing with Section 42010) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, relating to nonvehicular air pollution.

LEGISLATIVE COUNSEL’S DIGEST

SB 1099, as introduced, Dodd. Emergency backup generators: critical facilities: exemption.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law requires the State Air Resources Board to identify toxic air contaminants that are emitted into the ambient air of the state and to establish airborne toxic control measures to reduce emissions of toxic air contaminants from nonvehicular sources.

This bill, consistent with federal law, would require air districts to adopt a rule, or revise its existing rules, to allow critical facilities with a permitted emergency backup generator to use that emergency backup generator during a deenergization event or other loss of power, and to test and maintain that emergency backup generator, as specified, without having that usage, testing, or maintenance count toward that emergency backup generator’s time limitation on actual usage and routine testing and maintenance. The bill would prohibit air districts from imposing a fee on the issuance or renewal of a permit issued for those critical facility emergency backup generators. By requiring air districts to adopt a new permitting program for those critical facility emergency backup generators.
generators, the bill would impose a state-mandated local program. The bill also would define certain terms for purposes of these provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.


The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Catastrophic wildfires and other natural disasters are increasing in frequency and intensity due to climate change and other factors.

(b) Wildfires dramatically increase carbon emissions and work against the state’s goals to reduce greenhouse gas emissions and achieve a carbon-neutral future.

(c) Wildfires and other natural disasters also can cause significant impacts and a threat to the state’s water and wastewater facilities, which are critical to ensuring a safe and reliable water supply for people, businesses, agriculture, and the environment.

(d) To help mitigate the risks of wildfires, investor-owned utilities have initiated public safety power shutoffs to deenergize parts of their distribution systems, and, in some cases, portions of the transmission system, actions that reduce or eliminate access to a reliable power supply for the state’s water agencies as they count on a reliable source of electricity to move and deliver water.

(e) Actions need to be taken to reduce the impacts of deenergization wildfires, and other events on critical facilities, including increasing access to alternative power sources that can help support a safe and reliable water supply and maintain the state’s ability to effectively respond to wildfires.

SEC. 2. Article 9.5 (commencing with Section 42010) is added to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, to read:
Article 9.5. Emergency Backup Generators

42010. For purposes of this article, the following terms apply:

(a) “Critical facility” means a facility necessary or convenient in providing essential public services, including, but not limited to, facilities such as police stations, fire stations, emergency operations centers, water and wastewater facilities, incident command posts, and communication systems used to support essential public services.

(b) “Deenergization event” means the interruption of power due to a public safety power shutoff.

(c) “Emergency backup generator” means an internal combustion engine greater than 50 brake horsepower and gas turbines greater than 2,975,000 British thermal units per hour for nonutility power generation that does not operate more than 200 hours per year and is only operated in the event of an emergency power failure or for routine testing and maintenance.

(d) “Loss of power” means a failure in an electric generation, distribution, and transmission system or a disruption to electrical power from an electricity provider due to an emergency event, including a wildfire.

(e) “Public safety power shutoff” means a preventative measure to deenergize all, or a portion of, an electric generation, distribution, or transmission system when the electricity provider reasonably believes there is an imminent and significant risk that strong winds, or other extreme and potentially dangerous weather events, increase the probability of a wildfire.

(f) “Water and wastewater facilities” includes drinking water and wastewater treatment plants, pumping stations, storage facilities, and water facilities needed to maintain water service and the water pressure necessary for firefighting.

42012. (a) Consistent with federal law, a district shall adopt a rule, or revise its existing rules, to allow critical facilities with a permitted emergency backup generator to do any of the following with that emergency backup generator without having it count toward that permitted emergency backup generator’s time limitation on actual usage and routine testing and maintenance:

(1) Use the emergency backup generator during a deenergization event or other loss of power.
(2) Test or maintain the emergency backup generator for consistency with any of the following:
(B) Industry best practices
(C) Recommendations by the manufacturer of the emergency backup generator.
(b) A district shall not impose a fee on the issuance or renewal of a permit issued for an emergency backup generator described in subdivision (a).

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
Senate Bill 1185 – Back Up Natural Gas Generators

BILL SUMMARY

Senate Bill 1185 would allow businesses and homeowners to install, maintain and use a back-up natural gas generator onsite for use in the event of a public safety power shut-off (PSPS) event. Specifically, this bill would prohibit an air district or the California Air Resources Board (CARB) from adopting or maintaining regulations that limit the use of a federally compliant natural gas powered generator during a PSPS event. The bill additionally stipulates that any use of a natural gas generator during a PSPS event would not count toward any time limitation included in the permit issued for that generator.

BACKGROUND

Current law limits air pollution from a variety of vehicular and non-vehicular sources, including natural gas generators. Local air quality districts and CARB are responsible for crafting regulations and issuing permits for such devices.

In recent years, California has faced catastrophic wildfires of unprecedented proportion. As a response to increased liability for wildfires and as a precautionary measure, California’s utilities have begun the practice of shutting off electrical service in certain areas during peak wildfire risk times to mitigate the potential for a utility line to spark a wildfire. During these PSPS events, natural gas service remains in place and functional. This presents the opportunity for natural gas generators hooked up to the existing natural gas distribution infrastructure, to serve as a vital energy source during PSPS events.

While local air districts and CARB have provided some latitude for backup generation in PSPS events, many generator owners still run the risk of facing hefty fines and compliance issues when utilizing natural gas generators in a PSPS event.

This bill would clear those obstacles and allow natural gas generation to be a viable and reliable alternative energy source during PSPS events.

REASONS FOR LEGISLATION

A quarter of California’s population lives in an area deemed to be “high-risk” for wildfires and are subject to PSPS events. These events are immensely disruptive to communities from a health, safety, and economic standpoint. Among those most affected are those that rely on electricity for life-sustaining medical care. In addition, large scale back up generation is necessary to keep the power on for medical, communication, safety, and water infrastructure.

When back-up generation occurs, it is far more favorable to utilize natural gas pipelines already in place, as opposed to bringing in and storing large amounts of diesel fuel—presenting a serious safety concern and elevating the risk for disaster. In addition, natural gas generation releases significantly less pollutants than diesel generation.

For these reasons, natural gas generators are the best option to keep people safe, and keep the power turned on, during PSPS events.

SUPPORT

Pending

CONTACT

Ryan Gardiner, Senate Fellow/Legislative Aide
ryan.gardiner@sen.ca.gov, (916) 651-4037
An act to add Article 9.3 (commencing with Section 42000) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, and to amend Section 8385 of, and to add Section 8390 to, the Public Utilities Code, relating to nonvehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1185, as introduced, Moorlach. Natural gas powered generators: operation during deenergization events.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates air pollution control and air quality management districts (air district) with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law requires the State Air Resources Board (state board) to identify toxic air contaminants that are emitted into the ambient air of the state and to establish airborne toxic control measures to reduce emissions of toxic air contaminants from nonvehicular sources.

This bill would prohibit an air district from adopting or maintaining a rule that would limit or prohibit any person from using a federally compliant natural gas powered generator during a deenergization event and would require that any usage during a deenergization event not count toward any time limitation on actual usage and routine testing and maintenance included as a condition for issuance of any permit for that generator. The bill would prohibit the state board from adopting or maintaining a rule that would limit or prohibit any person from using a federally compliant natural gas powered generator during a
deenergization event. By prohibiting an air district maintaining existing rules, the bill would impose a state-mandated local program to revise any rule not in compliance with that prohibition.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities are under the direction of their governing boards. Electrical cooperatives are subject to the regulatory authority of the commission, except as specified. Existing law requires each electrical corporation to annually prepare and submit a wildfire mitigation plan to the commission for review and approval, as specified. Following approval, the commission is required to oversee compliance with the plans. Existing law requires each local publicly owned electric utility and electrical cooperative to annually prepare a wildfire mitigation plan and to verify that the wildfire mitigation plan complies with all applicable rules, regulations, and standards, as appropriate. Existing law requires a wildfire mitigation plan of an electrical corporation to include, among other things, protocols for deenergizing portions of the electrical distribution system that consider the associated impacts on public safety, as well as protocols related to mitigating the public safety impacts of those protocols, including impacts on critical first responders and on health and communications infrastructure. Existing law requires a wildfire mitigation plan of an electrical corporation to also include appropriate and feasible procedures for notifying a customer who may be impacted by the deenergizing of electrical lines and requires these procedures to consider the need to notify, as a priority, critical first responders, health care facilities, and operators of telecommunications infrastructure with premises within the footprint of a potential deenergization event. Existing law requires that an electrical cooperative and a local publicly owned electric utility consider these matters when developing and implementing a wildfire mitigation plan.

If an electrical corporation, electrical cooperative, or local publicly owned electric utility has undertaken a deenergization event during a calendar year, this bill would require the electrical corporation, electrical cooperative, or local publicly owned electric utility, by January 30 of the following calendar year, to submit a report with specified information to each air district affected by the deenergization event, and to the state board.

Under existing law, a violation of any order, decision, rule, direction, demand, or requirement of the commission is a crime.
Because this bill would require action by the commission to implement its requirements, and a violation of that action by an electrical corporation or electrical cooperative would be a crime, the bill would impose a state-mandated local program by creating a new crime. By requiring local publicly owned electric utilities to report matters to air quality management districts and air pollution control districts the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that with regard to certain mandates no reimbursement is required by this act for specified reasons.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.


The people of the State of California do enact as follows:

SECTION 1. Article 9.3 (commencing with Section 42000) is added to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, to read:

Article 9.3. Use of Natural Gas Powered Generators During Deenergization Events

42000. For purposes of this article, the following terms apply:

(a) “Deenergization event” means the proactive interruption of electrical service for the purpose of mitigating or avoiding the risk of causing a wildfire.

(b) “Electrical cooperative” has the same meaning as defined in Section 2776 of the Public Utilities Code.

(c) “Electrical corporation” has the same meaning as defined in Section 218 of the Public Utilities Code.

(d) “Federally compliant natural gas powered generator” means a device used for the generation of electricity that complies with the federal standards of performance for stationary spark ignition internal combustion engines (Subpart JJJJ (commencing with...
Section 60.4230) of Part 60 of Title 40 of the Code of Federal Regulations) and burns only natural gas for operation during the deenergization event, or, if the generator is located in an area that does not have natural gas service, burns only propane during the deenergization event.

(e) “Local publicly owned electric utility” has the same meaning as defined in Section 224.3 of the Public Utilities Code.

(f) “Permit” means a permit issued by the district pursuant to Article 1 (commencing with Section 42300) of Chapter 4.

(g) “Person” has the same meaning as defined in Section 19.

Consistent with federal law, no district shall adopt or maintain a rule that would limit or prohibit any person from using a federally compliant natural gas powered generator during a deenergization event and any usage during a deenergization event shall not count toward any time limitation on actual usage and routine testing and maintenance included as a condition for issuance of any permit for that generator.

Consistent with federal law, the state board shall not adopt or maintain a rule that would limit or prohibit any person from using a federally compliant natural gas powered generator during a deenergization event.

SEC. 2. Section 8385 of the Public Utilities Code is amended to read:

8385. (a) For purposes of this chapter, the following shall apply:

(1) “Compliance period” means a period of approximately one year.

(2) “Deenergization event” means the proactive interruption of electrical service for the purpose of mitigating or avoiding the risk of causing a wildfire.

(3) “Electrical cooperative” has the same meaning as defined in Section 2776.

(b) The commission shall supervise an electrical corporation’s compliance with the requirements of this chapter pursuant to the Public Utilities Act (Part 1 (commencing with Section 201) of Division 1). Nothing in this chapter affects the commission’s authority or jurisdiction over an electrical cooperative or local publicly owned electric utility.
SEC. 3. Section 8390 is added to the Public Utilities Code, to read:

8390. If an electrical corporation, electrical cooperative, or local publicly owned electric utility has undertaken a deenergization event during a calendar year, the electrical utility shall submit a report, by January 30 of the following calendar year, to the State Air Resources Board and to each air quality management district and air pollution control district affected by the deenergization event. The report shall include both of the following:

(a) A description of the area affected by the deenergization event.

(b) A description of when the deenergization event began and when reliable electrical service was restored.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB of the California Constitution for certain mandates because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

With respect to other mandates, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
AB 2792 – MOBILE FUELING ON-DEMAND TANK VEHICLES

BACKGROUND

On-demand mobile fueling is a rapidly growing industry that provides a safer, cleaner, more affordable, and more accessible alternative to vehicle refueling. It utilizes a tank truck, or trailer, equipped with an onboard cargo tank system designed to load, transport, and transfer motor vehicle fuel directly from the onboard cargo tank into a motor vehicle fuel tank. This service offers customers convenience by fueling vehicles while parked and not in use, thus eliminating the need to stop at a gas station.

When thoughtfully regulated, mobile fueling on-demand can reduce road congestion, increase local tax revenues, improve land utilization. Mobile fueling on-demand also reduces vapor emissions and tank leaks through use of hazmat-trained service professionals to reduce customer spillage and by bypassing transfers into underground storage tanks (USTs).

PROBLEM

Every day, millions of people across California funnel into conventional gas stations to refuel. This task typically occurs during peak commute times either on the way to or back from work, leading to unnecessary road congestion, idling, increased vehicle miles traveled and a loss of time and money.

Furthermore, conventional gas stations frequently rely upon USTs, which pose a threat to drinking water supply and community health. Currently, there are 35,489 USTs in the state of California with 64 sites that reported new leaks and 6,682 facilities with priority violations, including equipment and containment failure. Additionally, conventional gas stations are frequent sites of spills and additional vapor emissions, and each station spills approximately 40 gallons of fuel a year through drippage alone.

For individuals with disabilities, including individuals with chronic illnesses and the elderly, access to conventional gas stations has proven to be extremely difficult and even impossible, despite the passage of the Americans with Disabilities Act (ADA). The ADA requires that self-serve gas stations provide equal access to their customers with disabilities through assistance if requested, done either by honking or pressing a button. However, even with the ADA, 15-million drivers with disabilities across the country still have difficulty getting gas at almost 160,000 stations.

Currently, mobile fueling on-demand is permitted to operate in over 20 jurisdictions in California including San Francisco, Oakland, San Jose, and Irvine. Operations are able to meet or exceed all standards by the Department of Transportation, California Environmental Protection Agency, Cal FIRE, California State Water Resources Control Board, California Air Resources Board and all applicable state health and safety measures for the safe loading, transport, and transfer of fuel. However, the industry is unable to expand due to inconsistent regulations by air districts of mobile fueling tank vehicles that operate in more than one district. In some areas, mobile fuelers would need to comply with three different sets of air regulations on a daily basis within a radius of about 40 miles, which is not operationally feasible. Other air districts have stated they are not able to prioritize the rule amendments necessary to allow mobile fueling in their regions.

SOLUTION

AB 2792 takes the first steps to create a uniform, consistent, and reasonable standard of operation for mobile fueling on-demand tank vehicles.

By classifying mobile fueling on-demand tank vehicles as a mobile source, the California Air Resources Board (CARB) will have primary responsibility over regulating them, ensuring consistent regulation of the industry as it continues to develop. Regulatory oversight will include establishing standards that reduce emissions from mobile fueling and maintain compliance with State and federal ambient air quality laws. CARB will also adopt performance standards and test procedures for any system or system component of a mobile fueling on-demand tank vehicle, and ensure that such systems comply with regulations of cargo tank systems on tank vehicles that are used to transport gasoline.

SUPPORT

• Booster Fuels (Sponsor)
• Muscular Dystrophy Association
• Northern California Spinal Cord Injury Foundation
• United Spinal Association

FOR MORE INFORMATION

Charmaine Mills, Legislative Aide
(916) 319-2020
Charmaine.Mills@asm.ca.gov
An act to amend Sections 41950 and 41962 of, and to add Section 39618.5 to, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL’S DIGEST

AB 2792, as introduced, Quirk. Mobile fueling on-demand tank vehicles.

(1) Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution and air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.

This bill would classify a mobile fueling on-demand tank vehicle, as defined, as a mobile source and would require that it be regulated by the state board. The bill would require the state board to adopt regulations on or before an unspecified date to achieve reductions in emissions attributable to mobile fueling on-demand tank vehicles.

(2) Existing law requires the state board to adopt performance standards to ensure that systems for the control of gasoline vapors resulting from motor vehicle fueling operations do not cause excessive gasoline liquid spillage when used in a proper manner. Existing law requires the state board to adopt test procedures to determine the compliance with vapor emission standards of vapor recovery systems of cargo tanks on tank vehicles used to transport gasoline, as provided. Existing law authorizes the state board to test those vapor recovery systems, to certify those systems if they meet the state board’s
requirements, and to charge a fee for certification. Existing law prohibits a person from operating, or allowing the operation of, a tank vehicle transporting gasoline that is required to have a vapor recovery system, unless the system has been certified and is installed and maintained in compliance with the requirements for certification. Existing law exempts from these certification requirements tank vehicles used exclusively to service gasoline storage tanks that are not required to have gasoline vapor controls. Existing law makes a violation of a rule or regulation of the state board or a district relating to nonvehicular air pollution control a misdemeanor.

This bill would impose those testing, installation, maintenance, and certification requirements on a system or system component of a mobile fueling on-demand tank vehicle used to load, transport, and transfer motor vehicle fuel directly from an onboard cargo tank into a motor vehicle fuel tank. By expanding the scope of a crime, the bill would impose a state-mandated local program. The bill would exempt from the certification requirements motor vehicle fuel tanks equipped with onboard refueling vapor recovery systems.

(3) Existing law prohibits a person from installing or maintaining a stationary gasoline tank with a capacity of 250 gallons or more that is not equipped for loading through a permanent submerged fill pipe, unless certain conditions apply, subject to certain exceptions.

This bill would provide that the prohibition does not apply with regard to a mobile fueling on-demand tank vehicle, except as provided.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.


The people of the State of California do enact as follows:

SECTION 1. Section 39618.5 is added to the Health and Safety Code, to read:

39618.5. A mobile fueling on-demand tank vehicle, as defined in paragraph (2) of subdivision (f) of Section 41950, shall be classified as a mobile source and shall be regulated by the state board on a statewide basis to prevent confusion concerning whether
the mobile fueling on-demand tank vehicle is a stationary sources
when not being driven and to prevent inconsistent regulation by
districts of a mobile fueling on-demand tank vehicle that is operated
in more than one district. The state board shall adopt regulations
on or before January 1, ____, to achieve reductions in emissions
attributable to mobile fueling on-demand tank vehicles.

SEC. 2. Section 41950 of the Health and Safety Code is
amended to read:

(41950. (a) Except as provided in subdivisions (b) and (b), (e),
no and (f), a person shall not install or maintain any a stationary
gasoline tank with a capacity of 250 gallons or more which that
is not equipped for loading through a permanent submerged fill
pipe, unless such the tank is a pressure tank as described in Section
41951, or is equipped with a vapor recovery system as described
in Section 41952 or with a floating roof as described in Section
41953, or unless such the tank is equipped with other apparatus
of equal efficiency which that has been approved by the air
pollution control officer in whose district the tank is located.

(b) Subdivision (a) shall not apply to any a stationary tank
installed prior to before December 31, 1970.

(c) For the purpose purposes of this section, “gasoline” means
any petroleum distillate having a Reid vapor pressure of four
pounds or greater.

(d) For the purpose purposes of this section, “submerged fill
pipe” means any a fill pipe which that has its discharge opening
entirely submerged when the liquid level is six inches above the
bottom of the tank. “Submerged fill pipe,” when applied to a tank
which that is loaded from the side, means any a fill pipe which
that has its discharge opening entirely submerged when the liquid
level is 18 inches above the bottom of the tank.

(e) Subdivision (a) shall not apply to any a stationary tank which
that is used primarily for the fueling of implements of husbandry.

(f) (1) Subdivision (a) shall not apply to a mobile fueling
on-demand tank vehicle, or system on that vehicle, except as
provided in Section 41962.

(2) For purposes of this subdivision, “mobile fueling on-demand
tank vehicle” means a tank truck or trailer equipped with an
onboard cargo tank system designed to load, transport, and
transfer motor vehicle fuel directly from the onboard cargo tank
into a motor vehicle fuel tank.
SEC. 3. Section 41962 of the Health and Safety Code is amended to read:

41962. (a) Notwithstanding Section 34002 of the Vehicle Code, the state board shall adopt test procedures to determine the compliance of vapor recovery systems of cargo tanks on tank vehicles used to transport gasoline with vapor emission standards which are reasonable and necessary to achieve or maintain any applicable ambient air quality standard. The performance standards and test procedures adopted by the state board shall be consistent with the regulations adopted by the Commissioner of the California Highway Patrol and the State Fire Marshal pursuant to Division 14.7 (commencing with Section 34000) of the Vehicle Code.

(b) The state board may test, or contract for testing, the vapor recovery system of any a cargo tank of any a tank vehicle used to transport gasoline. The state board shall certify the cargo tank vapor recovery system upon its determination that the system, if properly installed and maintained, will meet the requirements of subdivision (a). The state board shall enumerate the specifications used for issuing—such the certification. After a cargo tank vapor recovery system has been certified, if circumstances beyond the control of the state board cause the system to no longer meet the required specifications, the certification may be revoked or modified.

(c) Upon verification of certification pursuant to subdivision (b), which shall be done annually, the state board shall send a verified copy of the certification to the registered owner of the tank vehicle, which copy shall be retained in the tank vehicle as evidence of certification of its vapor recovery system. For each system certified, the state board shall issue a nontransferable and nonremovable decal to be placed on the cargo tank where the decal can be readily seen.

(d) With respect to any a tank vehicle operated within a district, the state board, upon request of the district, shall send to the district, free of charge, a certified copy of the certification and test results of any a cargo tank vapor recovery system on the tank vehicle.

(e) The state board may contract with the Department of the California Highway Patrol to carry out the responsibilities imposed by subdivisions (b), (c), and (d).
(f) The state board shall charge a reasonable fee for certification, not to exceed its estimated costs of certification. Payment of the fee shall be a condition of certification. The fees may be collected by the Department of the California Highway Patrol and deposited in the Motor Vehicle Account in the State Transportation Fund. The Department of the California Highway Patrol shall transfer to the Air Pollution Control Fund the amount of those fees necessary to reimburse the state board for the costs of administering the certification program.

(g) No person shall not operate, or allow the operation of, a tank vehicle transporting gasoline and that is required to have a vapor recovery system, unless the system thereon has been certified by the state board and is installed and maintained in compliance with the state board’s requirements for certification. Tank vehicles used exclusively to service gasoline storage tanks which are not required to have gasoline vapor controls, including, but not limited to, motor vehicle fuel tanks equipped with onboard refueling vapor recovery systems, are exempt from the certification requirement.

(h) Performance standards of any a district for cargo tank vapor recovery systems on tank vehicles used to transport gasoline shall be identical with those adopted by the state board and no a district shall not adopt test procedures for, or require certification of, cargo tank vapor recovery systems. No A district shall not impose any fees on, or require any permit of, tank vehicles with vapor recovery systems. However, nothing in this section shall be construed to does not prohibit a district from inspecting and testing cargo tank vapor recovery systems on tank vehicles for the purposes of enforcing this section or any rule and regulation adopted pursuant to this section that is applicable to such those systems and to the loading and unloading of cargo tanks on tank vehicles.

(i) The Legislature hereby declares that the purposes of this section regarding cargo tank vapor recovery systems on tank vehicles, including, but not limited to, a system or system component of a mobile fueling on-demand tank vehicle, as defined in paragraph (2) of subdivision (f) of Section 41950, are (1) (I) to remove from the districts the authority to certify, except as specified in subdivision (b), such those systems and to charge fees therefor; for certification, and (2) (II) to grant such authority to
the state board, which shall have the primary responsibility to assure that such systems are operated in compliance with its standards and procedures adopted pursuant to subdivision (a).

(j) For purposes of this section, a “vapor recovery system of a cargo tank on a tank vehicle used to transport gasoline” shall include, but is not limited to, a system or system component of a mobile fueling on-demand tank vehicle, as defined in paragraph (2) of subdivision (f) of Section 41950, used to load, transport, and transfer motor vehicle fuel directly from an onboard cargo tank into a motor vehicle fuel tank.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.
SUMMARY

Requires the California Interscholastic Federation (CIF) to cooperate with the Department of Education as members of the statewide air quality working group, to develop, communicate and maintain recommendations relating to air quality and its impact on athletic activity for schools.

BACKGROUND

Particle pollution is linked to a number of health problems, including coughing, wheezing, reduced lung function, asthma attacks, heart attacks, and strokes. Numerous studies have found that children are at higher risk than adults for adverse health effects caused by air pollution. The United States Environmental Protection Agency Air Quality Index (AQI) recognizes that children are a “sensitive group” requiring heightened awareness of air quality and early removal from pollutants to reduce unhealthy exposure. In addition to children, studies have found athletes are also at elevated risk of illness caused by air pollution due to higher breathing volume and taking of deeper breaths through their mouths, bypassing the body’s natural nasal filtration.

Over the last decade, devastating wildfires have ravaged communities and school districts in every corner of this state, blanketing entire regions of California with thick, unhealthy smoke. In response to this challenge, in 2019, leaders from the education, air quality, and public health communities established a working group to develop state guidance regarding air quality for California’s 1,026 school districts during wildfire smoke days.

PROBLEM

For California’s college athletes, the NCAA recommends, “attentive monitoring of local AQI and associated air quality alerts, especially at times of extreme environmental conditions,” and “removing athletes from exposure in accordance with AQI guidance.” They suggest that member school’s “emergency plans should guide the emergency care response in these circumstances.” However, California’s secondary-school coaches and athletes governed by the CIF do not have statewide guidance for air quality emergencies and prevention of pollution related illness.

SOLUTION

Require the CIF to cooperate with the Department of Education as members of the statewide air quality working group, to develop and maintain recommendations relating to air quality and its impact on athletic activity for schools, including athletic practice, training and scheduled sporting events and further require schools to ensure that the administrators, staff, and coaches know of and adhere to the CIF air quality educational materials and recommendations.

SUPPORT

None known.

OPPOSITION

None known.
An act to amend Section 33353 of the Education Code, relating to interscholastic athletics.

LEGISLATIVE COUNSEL’S DIGEST

AB 2498, as introduced, Chu. Interscholastic athletics: California Interscholastic Federation: air quality activity recommendations.

If a school district or charter school elects to offer any interscholastic athletic program, existing law requires the school district or charter school to ensure that there is a written emergency action plan in place, and posted as specified.

Existing law describes the California Interscholastic Federation (CIF) as a voluntary organization that consists of school and school-related personnel with responsibility for administering interscholastic athletic activities in secondary schools, and sets forth the Legislature’s intent regarding the California Interscholastic Federation’s implementation of certain policies.

This bill would add to the Legislature’s intent policies that CIF shall cooperate with the State Department of Education to develop and maintain recommendations relating to air quality and its impact on athletic activity for schools, post on its internet website air quality activity recommendations for schools and air quality education materials, and require schools, as a condition of CIF membership, to ensure that their existing written emergency action plans educate administrators, staff, and coaches on air quality activity recommendations and education materials made available on CIF’s internet website.
The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:
(a) Particle pollution is linked to a number of health problems, including coughing, wheezing, reduced lung function, asthma attacks, heart attacks, and strokes.
(b) Numerous studies have found that children are at higher risk than adults for adverse health effects caused by air pollution.
(c) The United States Environmental Protection Agency’s Air Quality Index (AQI) recognizes that children are a “sensitive group” requiring heightened awareness of air quality and early removal from pollutants to reduce unhealthy exposure.
(d) In addition to children, studies have found athletes are also at an elevated risk of illness caused by exposure to air pollution due to higher breathing volume and the taking of deeper breaths through their mouths, bypassing the body’s natural nasal filtration.
(e) Smoke from massive wildfires in Australia caused at least one player to collapse on the court at the 2020 Australian Open, and other competitors to withdraw from their matches.
(f) Particle pollution comes from many different types of sources, including industrial processes, woodstoves, and wildfires.
(g) Over the last decade, devastating wildfires have ravaged communities and school districts in every corner of the state, blanketing entire regions of the state with thick, unhealthy smoke.
(h) In response to this challenge, in 2019, leaders from the education, air quality, and public health communities established a working group to develop state guidance regarding air quality for the state’s 1,026 school districts during wildfire smoke days.
(i) For the state’s college athletes, the National Collegiate Athletic Association recommends, “attentive monitoring of local AQI and associated air quality alerts, especially at times of extreme environmental conditions,” and “removing athletes from exposure in accordance with AQI guidance.” They suggest that member school’s “emergency plans should guide the emergency care response in these circumstances.”
(j) The state’s secondary school coaches and athletes have no statewide guidance for handling air quality emergencies and preventing air pollution-related illness.

SEC. 2. Section 33353 of the Education Code is amended to read:

33353. (a) The California Interscholastic Federation is a voluntary organization that consists of school and school-related personnel with responsibility for administering interscholastic athletic activities in secondary schools. It is the intent of the Legislature that the California Interscholastic Federation, in consultation with the department, implement the following policies:

(1) Give the governing boards of school districts specific authority to select their athletic league representatives.

(2) Require that all league, section, and state meetings affiliated with the California Interscholastic Federation be subject to the notice and hearing requirements of the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(3) Establish a neutral final appeals body to hear complaints related to interscholastic athletic policies.

(4) Provide information to parents and pupils regarding the state and federal complaint procedures for discrimination complaints arising out of interscholastic athletic activities.

(5) Comply with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), and in doing so, as a third-party recipient of pupil and school personnel information, be afforded the same public records disclosure exemptions as are afforded to school districts, in order to protect the confidentiality of pupil and school personnel records and information.

(6) (A) Cooperate with the department to develop and maintain recommendations relating to air quality and its impact on athletic activity for schools, including athletic practice and training, and scheduled sporting event guidance.

(B) Post air quality activity recommendations for schools and supporting air quality education materials on its internet website.

(C) As a condition of California Interscholastic Federation membership, require schools to ensure that their existing written emergency action plans, established pursuant to Section 35179.4, educate administrators, staff, and coaches on, and require their
adherence to, air quality activity recommendations and education materials made available on its internet website.

(b) (1) The California Interscholastic Federation shall report to the appropriate policy committees of the Legislature and the Governor on its evaluation and accountability activities undertaken pursuant to this section on or before January 1, 2023, and on or before January 1 every seven years thereafter. This report shall include, but not be limited to, the goals and objectives of the California Interscholastic Federation with regard to, and the status of, all of the following:

(A) The governing structure of the California Interscholastic Federation, and the effectiveness of that governance structure in providing leadership for interscholastic athletics in secondary schools.

(B) Methods to facilitate communication with agencies, organizations, and public entities whose functions and interests interface with the California Interscholastic Federation.

(C) The quality of coaching and officiating, including, but not limited to, professional development for coaches and athletic administrators, and parent education programs.

(D) Gender equity in interscholastic athletics, including, but not limited to, the number of male and female pupils participating in interscholastic athletics in secondary schools, and action taken by the California Interscholastic Federation in order to ensure compliance with Title IX of the federal Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.).

(E) Health and safety of pupils, coaches, officials, and spectators.

(F) The economic viability of interscholastic athletics in secondary schools, including, but not limited to, the promotion and marketing of interscholastic athletics.

(G) New and continuing programs available to pupil athletes.

(H) Awareness and understanding of emerging issues related to interscholastic athletics in secondary schools.

(2) It is the intent of the Legislature that the California Interscholastic Federation accomplish all of the following:

(A) During years in which the California Interscholastic Federation is not required to report to the Legislature and the Governor pursuant to paragraph (1), it shall hold a public comment
period relating to that report at three regularly scheduled federation
council meetings per year.

(B) Annually allow public comment on the policies and practices
of the California Interscholastic Federation at a regularly scheduled
federation council meeting.

(C) Require sections of the California Interscholastic Federation
to allow public comment on the policies and practices of the
California Interscholastic Federation and its sections, and the report
required pursuant to paragraph (1), at each regularly scheduled
section meeting.

(D) Engage in a comprehensive outreach effort to promote the
public hearings described in subparagraphs (A) and (C).

(3) Upon receiving a report from the California Interscholastic
Federation pursuant to paragraph (1), the appropriate policy
committees of the Legislature shall hold a joint hearing at which
the California Interscholastic Federation shall testify and members
of the public shall be encouraged to testify on information in the
report, including, but not limited to, the information required in
paragraph (1).
AB 3217: Know Your Oil

Summary:
AB 3217 would require disclosure of information, via crude oil assays, that is critical to understanding the environmental impact of oil produced and refined in California. Crude oil assays disclose the unique molecular and chemical characteristics of crude oils, which are essential to understanding their environmental impact. Additionally, AB 3217 would direct the California Air Resources Board (ARB) to assess total well-to-wheel life cycle greenhouse gas emissions associated with California-produced oils.

This information would provide California policy makers and communities with tools they need to effectively understand, manage, and mitigate the impact of the state’s oil industry; and would give communities near refineries essential information about the crudes processed there.

Background:
Crude oils vary widely in both their carbon impact and their harmful pollutant content. California oils include some of the most carbon intense in the world, rivaling Canadian tar sands crudes.

However, California currently has very little information available about either the carbon intensity or pollutant content of crude oils produced and refined here. For crude oils that are widely traded internationally, producers frequently generate and publish assays of the oils which they publish as part of their marketing to refiners. But since California crudes are refined in state, these assays are not created or published on any consistent basis. Thus, California regulatory agencies are forced to rely on a smattering of assays that are in some cases decades old, and do not reflect the diversity of crudes within large production fields. While the California Energy Commission currently collects some limited data regarding crude oil, there is no provision requiring the consistent disclosure of complete crude oil data by petroleum producers and refiners.

Crude oil assays contain information from which one can determine the lifecycle carbon footprint of the oil – which can vary widely even within an oil field. Heavy oils generate substantially more emissions in production and refining, as well as significantly more petroleum coke (petcoke) as an end product – which is too dirty to burn in many US industries, so it is shipped out of California by refineries in huge amounts. Assays also indicate which oils are high in contaminants, which generate air pollution and can lead to dangerous corrosion hazards in refineries.

Having a complete set of assay data available would enable California regulators to more effectively implement the regulatory tools available now, such as the low carbon fuel standard (LCFS) and the AB 32 greenhouse gas emissions inventory. It would also enable the state to develop better strategies for calculating and mitigating the impact of the remaining years of California crude oil production, and keep refinery communities informed regarding impacts of the oil being processed in their midst.

Additionally, while federal agencies evaluating oil and gas production routinely present a life cycle greenhouse gas emissions accounting as part of their environmental review, California agencies have not done so. While the LCFS and AB 32 present a partial inventory of California’s crude oil-related emissions, neither is designed to be a complete life cycle assessment based on crude-specific data. Hence, California currently lacks a complete and accurate picture of the greenhouse gas footprint of its crude oil industry.

This bill:
Specifically, this bill:
1. Directs oil producers and oil refiners in California to regularly disclose assays to ARB that include all relevant information about their oil,
2. Requires ARB to make these assays publically information, and
3. Requires ARB to generate, in cooperation with the California Geologic Energy Management Division a full life cycle greenhouse gas assessment of each assayed California-produced crude oil

Support:
Communities for a Better Environment (Co-Sponsor)
Natural Resources Defense Council (Co-Sponsor)
Contact:
Raquel Mason
Raquel.Mason@asm.ca.gov  | 916.319.2078
An act to add Section 39735 to the Health and Safety Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL’S DIGEST

AB 3217, as introduced, Gloria. Greenhouse gases: crude oil emissions.

Existing law establishes the State Air Resources Board as the state agency charged with monitoring and regulating sources of greenhouse gas emissions. Existing law requires the board to make available, and update at least annually, on its internet website the emissions of greenhouse gases, criteria pollutants, and toxic air contaminants for certain facilities in the state, and to annually present an informational report to a specific legislative committee on the reported emissions of greenhouse gases, criteria pollutants, and toxic air contaminants from certain energy and industry sectors, as prescribed.

This bill would require, no later than December 31, 2023, the state board, in cooperation with the Geologic Energy Management Division in the Department of Conservation and the State Energy Resources Conservation and Development Commission, to complete and publish an analysis of the life-cycle greenhouse gas emissions associated with crude oil produced in the state, as prescribed. The bill would require the state board to make a draft of the completed analysis and all supporting data, as specified, available for public comment.

The bill would require, on or before January 1, 2021, and annually thereafter, that all operators that have received authorization from the
Geologic Energy Management Division to drill, redrill, deepen, or rework a crude oil production well within the state, where the well remains in operation, to deliver to the state board a multicut assay, as defined, for each oil field in which the activity has been authorized, or, in certain circumstances, for each production pool in such field. The bill would also require, beginning January 1, 2021, that the owner or operator of a refinery, as defined, deliver to the state board an annual report that includes specified information regarding the crude oil processed by the refinery. The bill would require the state board to post certain information it receives from refinery owners or operators on its internet website.


The people of the State of California do enact as follows:

SECTION 1. Section 39735 is added to the Health and Safety Code, to read:

39735. (a) For purposes of this section, the following definitions shall apply:

(1) “Life-cycle emissions” means all emissions associated with production, processing, refining, shipping, petroleum product transportation, end uses, and disposal of a crude oil and its associated gas, all derivative products, and wastes.

(2) “Multicut assay” means determination by a qualified laboratory of both of the following:

(A) The characteristics of a crude oil type, including gravity, density, chemical content, including sulfur, nitrogen, and hydrogen, volume and mass flow, microcarbon or Conradson carbon residue, and viscosity for vacuum residuum. Each of these parameters shall be assessed at a range of cut temperatures that shall include at minimum the following nine set points in degrees Centigrade: 80, 180, 290, 343, 399, 454, 525, 525 plus, and 399 plus, where “plus” indicates the highest temperature at which 100 percent of the crude oil has been distilled.

(B) Levels of benzene, nickel, vanadium, selenium, acidity, viscosity, mercury, microcarbon or Conradson carbon residue, and any other crude oil characteristics or constituents that the state board identifies as pertinent to protection of health, safety, or the environment, assessed on the whole crude.
(b) No later than December 31, 2023, the state board, in cooperation with the Geologic Energy Management Division in the Department of Conservation and the State Energy Resources Conservation and Development Commission, shall complete and publish an analysis of the life-cycle greenhouse gas emissions associated with crude oil produced in the state. The analysis shall include the following elements and any other elements deemed appropriate and necessary by the state board:

1. Quantification of the per-barrel life-cycle emissions of greenhouse gases, as defined in Section 38505 of the Health and Safety Code, from each of the crude oil types produced in California.
   (A) The analysis shall separately identify the life-cycle emissions of greenhouse gases associated with each crude oil production field in California, or with each production pool in any such field to the extent the state board determines necessary pursuant to subdivision (c) to address variations in crude oil characteristics within a production field.
   (B) The analysis shall employ a methodology that considers the characteristics of the crude oil from each assessed production field or pool, as reflected in the multicut assays referenced in subdivision (c) of this section and any other relevant information.

2. Identification of data gaps in the life cycle analysis.

3. Assessment of the social costs, as defined in Section 38506, of the life-cycle emissions of greenhouse gases associated with each assessed production field or pool.

4. Criteria that may be used to establish thresholds of significance that could be applied in a determination of significance pursuant to Section 21082.2 of the Public Resources Code for life-cycle greenhouse gas impacts of emissions associated with oil production and refining in California. In determining these criteria, the state board shall consider all of the following:
   (A) The cumulative greenhouse gas impacts of crude oil production and refining in the state.
   (B) State, local, national, and international greenhouse gas reduction targets.
   (C) The social costs of greenhouse gases as determined pursuant to paragraph (3).
   (D) Other factors the state board finds appropriate.
(5) Identification of means to reduce life-cycle emissions of greenhouse gases associated with production and refining of crude oil in the state, including direct reductions in process emissions and reductions in the volume of production or refining of particular types of crude oil.

(c) On or before January 1, 2021, and annually thereafter, all operators that have received authorization from the Geologic Energy Management Division in the Department of Conservation to drill, redrill, deepen, or rework a crude oil production well within the state, where the well remains in operation, shall deliver to the state board a multicut assay for each oil field in which such activity has been authorized, or for each production pool in such field to the extent the state board determines that variations in crude characteristics may exist within a production field sufficient to affect the life-cycle emissions analysis to be prepared pursuant to subdivision (b). Operators shall further deliver to the state board any additional multicut assays that the state board determines are necessary.

(d) Beginning January 1, 2021, the owner or operator of a refinery, as defined in Section 25128 of the Public Resources Code, shall deliver to the state board an annual report that shall include both of the following:

1. The volume of each crude oil identified by trade name, and each blend that includes such oil, processed at the refinery during the reporting period.

2. A multicut assay for each crude oil or blend reported pursuant to paragraph (1) that was produced in whole or part outside the state.

(e) The state board shall promptly post all multicut assays received pursuant to subdivision (c) or (d) on its internet website.

(f) The state board shall provide opportunities for public participation in development of the life-cycle emissions analysis required pursuant to subdivision (b) and shall make a draft of the completed analysis available for public comment. Upon the release of the draft life-cycle emissions analysis, the state board shall make available to the public all supporting data to the extent release of the data is not prohibited by law.
An act to amend Section 400.3 of the Public Utilities Code, relating to energy.

LEGISLATIVE COUNSEL’S DIGEST

SB 1122, as introduced, Skinner. Green electrolytic hydrogen.

Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities are under the direction of their governing boards. Existing law requires the PUC and the State Energy Resources Conservation and Development Commission (Energy Commission) to undertake specified actions to advance the state’s clean energy and pollution reduction objectives, including, where feasible, cost effective, and consistent with other state policy objectives, increasing the use of large- and small-scale energy storage with a variety of technologies. Existing law specifies that green electrolytic hydrogen, as defined, is one of these energy storage technologies to be targeted for increased use and requires the PUC, State Air Resources Board (state board), and Energy Commission to consider green electrolytic hydrogen an eligible form of energy storage, and to consider other potential uses of green electrolytic hydrogen.

Existing law requires the PUC to identify a diverse and balanced portfolio of resources needed to ensure a reliable electricity supply that provides optimal integration of renewable energy resources in a cost-effective manner. Existing law requires that the portfolio rely upon zero carbon-emitting resources to the maximum extent reasonable and be designed to achieve any statewide limit on emissions of greenhouse
gases established by the state board pursuant to the California Global Warming Solutions Act of 2006.

This bill would require the PUC to consider green electrolytic hydrogen to be a zero carbon-emitting resource for purposes of identifying a diverse and balanced portfolio of resources needed to ensure a reliable electricity supply that provides optimal integration of renewable energy resources in a cost-effective manner.

Existing law establishes a policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers and 100% of electricity procured to serve all state agencies by December 31, 2045. Existing law requires the PUC, Energy Commission, and state board to utilize programs authorized under existing statutes to achieve this policy.

This bill would require that the PUC, state board, and Energy Commission consider green electrolytic hydrogen to be a zero-carbon resource for these purposes.


The people of the State of California do enact as follows:

SECTION 1. Section 400.3 of the Public Utilities Code is amended to read:

400.3. The commission, State Air Resources Board, and Energy Commission shall consider green electrolytic hydrogen an eligible form of energy storage, a zero carbon-emitting resource pursuant to Section 454.51, and a zero-carbon resource pursuant to Section 454.53, and shall consider other potential uses of green electrolytic hydrogen.
**ISSUE**

The California Energy Commission has the statutory responsibility to certify thermal power plants with a generating capacity of 50 megawatts or more that supply reliable electricity for the state’s general welfare. In the last decade, digital data centers have increasingly installed backup diesel generators that cumulatively meet and exceed the 50-megawatt jurisdictional threshold.

Tech companies and other business throughout the state need generators for back-up power to ensure that they can maintain function and security in the event of a power outage, natural disaster, or public safety power shut off. Currently, substantive inspections and oversight of these less than 50 MW generators is happening at the local level.

**BACKGROUND**

Under the Warren-Alquist Act of 1974, the Energy Commission has the statutory responsibility to certify and ensure compliance of thermal power plants that supply reliable electricity for the state’s general welfare. Current statute defines a thermal power plant as “any stationary or floating electrical generating facility using any source of thermal energy, with a generating capacity of 50 megawatts or more, and any facilities appurtenant thereto.” Backup generators meet this definition.

What was not anticipated when the legislation passed was the creation of the tech industries and large data centers. These centers hold the data for millions of users across the globe and it is essential that they remain operational at all times. Tech and data companies are a large part of the Silicon Valley, Bay Area and California economies. Their ability to promise secure and rapidly updating data is a core function of these businesses. These centers employ backup generators to ensure reliable power and are subject to regional oversight. Backup generators protect sensitive data in cases of natural or unnatural disasters as well as public safety power shut offs. This backup power is only used if the companies’ standard power supply is threatened.

Currently, by statute, backup generators with more than 50 MW of generating capacity are subject to regulation by the Energy Commission. Emergency generators at data centers do not enhance public safety in terms of electricity supply reliability because they are fully isolated from the regional and local electric grid, and cannot be dispatched beyond the data center in response to a system disruption. Conducting comprehensive assessments of backup generators, which do not affect the electric grid does not align with the Energy Commission’s mandate to ensure the state’s electricity reliability, nor effectively use staff and resources.

As businesses in California cope with natural disaster and power shut off risks, it is important that they are able to acquire reliable backup power to serve their customers.

**THIS BILL**

SB 858 will ensure the Energy Commission retains jurisdiction over only those projects that ensure the state’s electricity supply and grid reliability. The statutory change will clarify the Energy Commission’s jurisdiction and allow local agencies to utilize their processes to efficiently permit backup generation that is functionally isolated at its installed site.

**SUPPORT**

City of Gilroy  
Gilroy Chamber of Commerce  
Equinix

**FOR MORE INFORMATION**

Fred Williams  
Office of Senator Jim Beall  
(916) 651-4015  
Fred.williams@sen.ca.gov
An act to amend Section 25120 of, and to add Section 21097 to, the Public Resources Code, relating to thermal powerplants.

LEGISLATIVE COUNSEL’S DIGEST


Existing law requires a person proposing to construct a thermal powerplant, which is defined as a electrical generating facility using a source of thermal energy, with a generating capacity of 50 megawatts or more to obtain a certification from the State Energy Resources Conservation and Development Commission.

This bill would exclude from the definition of a thermal powerplant subject to the jurisdiction of the commission an emergency backup or stationary standby generator that is not connected to the electrical grid and that is constructed, operated, or modified to provide immediate electrical power to maintain the operations of a data center in the event of an outage of electricity from the electrical grid.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to
prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

This bill would designate the local land use authority with jurisdiction to approve emergency backup or standby generators described above as the lead agency for purposes of CEQA. By designating local land use authorities as lead agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.


The people of the State of California do enact as follows:

1. SECTION 1. Section 21097 is added to the Public Resources Code, to read:

2. 21097. For purposes of this division, a local land use authority with jurisdiction to approve emergency backup or standby generators that are not under the jurisdiction of the State Energy Resources Conservation and Development Commission pursuant to subdivision (b) of Section 25120 is the lead agency for those approvals.

3. SECTION 2.

SEC. 2. Section 25120 of the Public Resources Code is amended to read:

4. 25120. (a) “Thermal powerplant” means any stationary or floating electrical generating facility using any source of thermal energy, with a generating capacity of 50 megawatts or more, and any facilities appurtenant thereto. Exploratory, development, and production wells, resource transmission lines, and other related facilities used in connection with a geothermal exploratory project or a geothermal field development project are not appurtenant facilities for the purposes of this division.
(b) “Thermal powerplant” does not include any wind, hydroelectric, solar photovoltaic electrical generating facility, or any emergency backup or standby generator that is not connected to the electrical grid and that is constructed, operated, or modified to provide immediate electrical power to maintain operations of a data center in the event of an outage of electricity from the electrical grid.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.
<table>
<thead>
<tr>
<th>BILL #</th>
<th>AUTHOR</th>
<th>SUBJECT</th>
<th>Last Status</th>
<th>Notes</th>
<th>Position</th>
<th>Priority (Low/Medium/High)</th>
<th>PSFPs Related List</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB 126</td>
<td>Cooper</td>
<td>Air Quality Improvement Program: Clean Vehicle Rebate Project.</td>
<td>Senate - Transportation</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 291</td>
<td>Chu</td>
<td>Local Emergency Preparedness and Hazard Mitigation Fund.</td>
<td>Senate - Pending Referral</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 345</td>
<td>Muratsuchi</td>
<td>Natural resources: environmental justice: oil and gas: regulation of operations.</td>
<td>Senate - Pending Referral</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 352</td>
<td>Garcia, Eduardo</td>
<td>Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020.</td>
<td>Senate - Environmental Quality</td>
<td>MEDIUM</td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 409</td>
<td>Limón</td>
<td>Climate change: agriculture: Agricultural Climate Adaptation Tools Program: grants.</td>
<td>Senate - Appropriations</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 464</td>
<td>C. Garcia</td>
<td>California Global Warming Solutions Act of 2006.</td>
<td>Senate - Pending Referral</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 839</td>
<td>Mullin</td>
<td>Climate adaptation strategy: strategic resiliency framework: Resiliency through Adaptation, Economic Vitality, and Equity Account.</td>
<td>Senate - Appropriations</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 1071</td>
<td>Limón</td>
<td>Climate change: agriculture: Agricultural Climate Adaptation Tools Program: grants.</td>
<td>Senate - Pending Referral</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 1112</td>
<td>Friedman</td>
<td>Shared mobility devices: local regulation.</td>
<td>Senate - Transportation</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 1142</td>
<td>Friedman</td>
<td>Regional transportation plans: transportation network companies.</td>
<td>Senate - Appropriations</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 1276</td>
<td>Bonta</td>
<td>Local redistricting.</td>
<td>Senate - Pending Referral</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 1350</td>
<td>Gonzalez</td>
<td>Free youth transit passes: eligibility for state funding.</td>
<td>Senate - Pending Referral</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 1406</td>
<td>O’Donnell</td>
<td>Alternative and Renewable Fuel and Vehicle Technology Program.</td>
<td>Senate - Appropriations</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 1424</td>
<td>Herman</td>
<td>Electric Vehicle Charging Stations Open Access Act.</td>
<td>Senate - Appropriations</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 1441</td>
<td>Levine</td>
<td>Oil and gas: development.</td>
<td>Senate - Pending Referral</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 1567</td>
<td>Aguilar-Curry</td>
<td>Organic waste: scoping plan.</td>
<td>Senate - Pending Referral</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 1714</td>
<td>Aguilar-Curry</td>
<td>Emissions limitations: wine fermentation.</td>
<td>Senate - Environmental Quality</td>
<td>Oppose</td>
<td>HIGH</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 1839</td>
<td>Bonta</td>
<td>Climate change: California Green New Deal.</td>
<td>Assembly - Pending Referral</td>
<td>MEDIUM</td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 1915</td>
<td>Chu</td>
<td>Electrical corporations: deenergization events.</td>
<td>Assembly - Utilities and Energy</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 1917</td>
<td>Ting</td>
<td>Budget Act of 2020.</td>
<td>Assembly - Budget</td>
<td>HIGH</td>
<td>HIGH</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 1920</td>
<td>Boerner Horvath</td>
<td>Climate change: California Climate Adaptation Center and Regional Support Network.</td>
<td>Assembly - Pending Referral</td>
<td>Intent Bill</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 1922</td>
<td>Rivas, Luz</td>
<td>Pupil instruction: science requirements: climate change.</td>
<td>Assembly - Education</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 1942</td>
<td>Gallagher</td>
<td>Forestry and fire protection: reduction of emissions of greenhouse gases.</td>
<td>Assembly - Natural Resources</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 1972</td>
<td>Voepel</td>
<td>Vehicular air pollution.</td>
<td>Assembly - Transportation</td>
<td>Propose Oppose</td>
<td>HIGH</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 1991</td>
<td>Friedman</td>
<td>Transit and Intercity Rail Capital Program: passenger tramways.</td>
<td>Assembly - Transportation</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 1992</td>
<td>Friedman</td>
<td>Transportation: transportation infrastructure: climate change.</td>
<td>Assembly - Transportation</td>
<td>Intent Bill</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2031</td>
<td>Rivas, Luz</td>
<td>School Pavement to Parks Grant Program.</td>
<td>Assembly - Education</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2057</td>
<td>Chiu</td>
<td>San Francisco Bay area: public transportation.</td>
<td>Assembly - Pending Referral</td>
<td>MEDIUM</td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2089</td>
<td>Rivas, Luz</td>
<td>Resilient Economies and Community Health Pilot Program.</td>
<td>Assembly - Natural Resources</td>
<td>MEDIUM</td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BILL #</td>
<td>AUTHOR</td>
<td>SUBJECT</td>
<td>Last Status</td>
<td>Notes</td>
<td>Position (Low/Medium/High)</td>
<td>PSPS Related List</td>
<td></td>
</tr>
<tr>
<td>-------</td>
<td>--------</td>
<td>---------</td>
<td>-------------</td>
<td>-------</td>
<td>-----------------------------</td>
<td>------------------</td>
<td></td>
</tr>
<tr>
<td>AB 2145</td>
<td>Ting</td>
<td>Transportation electrification: vehicle charging stations.</td>
<td>Assembly - Pending Referral</td>
<td>Intent Bill</td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2148</td>
<td>Quirk</td>
<td>Climate change: adaptation: regional climate adaptation planning groups: regional climate adaptation plans.</td>
<td>Assembly - Natural Resources</td>
<td>Intent Bill</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2162</td>
<td>O'Donnell</td>
<td>School facilities: indoor air quality.</td>
<td>Assembly - Education</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2168</td>
<td>McCarty</td>
<td>Planning and zoning: electric vehicle charging stations: permit application: approval.</td>
<td>Assembly - Local Government</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2178</td>
<td>Levine</td>
<td>Emergency services.</td>
<td>Assembly - Governmental Organization</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2215</td>
<td>Chau</td>
<td>Service stations: definition: electric vehicle charging stations.</td>
<td>Assembly - Transportation</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2217</td>
<td>Grayson</td>
<td>Smog check: exemption: historic vehicles.</td>
<td>Assembly - Transportation</td>
<td></td>
<td>Propose-Oppose</td>
<td>HIGH</td>
<td></td>
</tr>
<tr>
<td>AB 2218</td>
<td>Calderon</td>
<td>State Air Resources Board: report.</td>
<td>Assembly - Pending Referral</td>
<td>Spot Bill</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2269</td>
<td>Fong</td>
<td>Vehicles: registration fraud.</td>
<td>Assembly - Transportation</td>
<td></td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2262</td>
<td>Berman</td>
<td>Regional transportation plans: sustainable communities strategies: zero-emission vehicle readiness plan.</td>
<td>Assembly - Transportation</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2331</td>
<td>Muratsuchi</td>
<td>Greenhouse gases: aviation sector: reporting.</td>
<td>Assembly - Natural Resources</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2371</td>
<td>Friedman</td>
<td>Climate change: adaptation.</td>
<td>Assembly - Natural Resources</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2421</td>
<td>Quirk</td>
<td>Land use: permitting: wireless communications.</td>
<td>Assembly - In Desk Process</td>
<td></td>
<td>MEDIUM</td>
<td>PSPS Related</td>
<td></td>
</tr>
<tr>
<td>AB 2441</td>
<td>Rivas, Luz</td>
<td>Climate change: Safeguarding California Plan.</td>
<td>Assembly - Natural Resources</td>
<td></td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2446</td>
<td>Bonta</td>
<td>Cement plants.</td>
<td>Assembly - Natural Resources</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2455</td>
<td>Medina</td>
<td>Natural gas and electric battery vehicles: weight limits.</td>
<td>Assembly - Transportation</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2475</td>
<td>Flora</td>
<td>Electrical corporations: electrical grid monitoring equipment pilot program.</td>
<td>Assembly - Utilities and Energy</td>
<td></td>
<td>LOW</td>
<td>PSPS Related</td>
<td></td>
</tr>
<tr>
<td>AB 2498</td>
<td>Chu</td>
<td>Interscholastic athletics: California Interscholastic Federation: air quality activity recommendations.</td>
<td>Assembly - Education</td>
<td></td>
<td>Propose-Support</td>
<td>HIGH</td>
<td></td>
</tr>
<tr>
<td>AB 2539</td>
<td>Bigelow</td>
<td>Electrical corporations: deenergization events: elections.</td>
<td>Assembly - Utilities and Energy</td>
<td></td>
<td>LOW</td>
<td>PSPS Related</td>
<td></td>
</tr>
<tr>
<td>AB 2566</td>
<td>Garcia, C.</td>
<td>Consumption-based greenhouse gas inventory.</td>
<td>Assembly - In Desk Process</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2577</td>
<td>Chiu</td>
<td>Environmental protection: vulnerable population: identification.</td>
<td>Assembly - Natural Resources</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2585</td>
<td>Chau</td>
<td>California-China Climate Institute.</td>
<td>Assembly - Pending Referral</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2587</td>
<td>McCarty</td>
<td>Local planning.</td>
<td>Assembly - Pending Referral</td>
<td>Spot Bill</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2612</td>
<td>Maixenscher</td>
<td>Greenhouse Gas Reduction Fund: recycling: appropriation.</td>
<td>Assembly - Natural Resources</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2621</td>
<td>Mullin</td>
<td>Climate resiliency.</td>
<td>Assembly - Pending Referral</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2653</td>
<td>Kalra</td>
<td>Smart climate agriculture.</td>
<td>Assembly - Pending Referral</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2667</td>
<td>Boerner Horvath</td>
<td>Air Quality Improvement Program: Clean Vehicle Rebate Project: electric bicycles.</td>
<td>Assembly - Pending Referral</td>
<td>Intent Bill</td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2698</td>
<td>Gray</td>
<td>High-Speed Rail Authority: trains powered by fossil fuel combustion engines.</td>
<td>Assembly - Transportation</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2737</td>
<td>Garcia, C.</td>
<td>Community emissions reduction programs.</td>
<td>Assembly - Natural Resources</td>
<td></td>
<td>HIGH</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BILL #</td>
<td>AUTHOR</td>
<td>SUBJECT</td>
<td>Last Status</td>
<td>Notes</td>
<td>Position</td>
<td>Priority (Low/Medium/High)</td>
<td>PSPS Related List</td>
</tr>
<tr>
<td>-------</td>
<td>--------</td>
<td>---------</td>
<td>-------------</td>
<td>-------</td>
<td>----------</td>
<td>----------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>AB 2766</td>
<td>Gray</td>
<td>Vehicles: retirement and replacement.</td>
<td>Assembly - Transportation</td>
<td></td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2772</td>
<td>Reyes</td>
<td>Alternative and Renewable Fuel and Vehicle Technology Program.</td>
<td>Assembly - Transportation</td>
<td>CalStart Bill</td>
<td></td>
<td>MEDIUM</td>
<td></td>
</tr>
<tr>
<td>AB 2789</td>
<td>Kamlager</td>
<td>State Energy Resources Conservation and Development Commission: distributed energy resources: study.</td>
<td>Assembly - Utilities and Energy</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2792</td>
<td>Quirk</td>
<td>Mobile fueling on-demand tank vehicles.</td>
<td>Assembly - Transportation</td>
<td>Propose Oppose</td>
<td>HIGH</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2824</td>
<td>Bonta</td>
<td>San Francisco-Oakland Bay Bridge: public transit: greenhouse gases.</td>
<td>Assembly - Pending Referral</td>
<td>Intent Bill</td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2831</td>
<td>Flora</td>
<td>Greenhouse gas reduction: carbon sequestration.</td>
<td>Assembly - Pending Referral</td>
<td>Intent Bill</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2832</td>
<td>Garcia, C.</td>
<td>Greenhouse gases: carbon neutrality.</td>
<td>Assembly - Natural Resources</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2860</td>
<td>O'Donnell</td>
<td>California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program.</td>
<td>Assembly - Transportation</td>
<td></td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2866</td>
<td>Garcia, Eduardo</td>
<td>Vehicular air pollution: Clean Fleet Program.</td>
<td>Assembly - Transportation</td>
<td></td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2882</td>
<td>Chu</td>
<td>Hazardous emissions and substances: school sites: private and charter schools.</td>
<td>Assembly - Education</td>
<td>Support Sponsor</td>
<td>HIGH</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2940</td>
<td>Quirk</td>
<td>Energy: hydrogen.</td>
<td>Assembly - Utilities and Energy</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 2954</td>
<td>Rivas, Robert</td>
<td>California Global Warming Solutions Act of 2006: climate goal: natural and working lands.</td>
<td>Assembly - Natural Resources</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 3021</td>
<td>Ting</td>
<td>School facilities: energy resilient schools: grant program.</td>
<td>Assembly - Education</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 3046</td>
<td>Mathis</td>
<td>The Energy, Environment, and Economy Council.</td>
<td>Assembly - Natural Resources</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 3100</td>
<td>Garcia, Eduardo</td>
<td>Self-generation incentive program.</td>
<td>Assembly - Pending Referral</td>
<td>Spot Bill</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 3109</td>
<td>Ting</td>
<td>State Air Resources Board: report.</td>
<td>Assembly - In Desk Process</td>
<td>Building Decarbonization</td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 3111</td>
<td>Gipson</td>
<td>Carl Moyer Memorial Air Quality Standards Attainment Program.</td>
<td>Assembly - Pending Referral</td>
<td>Spot Bill CNGV</td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 3128</td>
<td>Burke</td>
<td>Electricity: deenergization events: fuel cells.</td>
<td>Assembly - Pending Referral</td>
<td>Intent Bill</td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 3163</td>
<td>Salas</td>
<td>Biogas.</td>
<td>Assembly - Natural Resources</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 3211</td>
<td>Bauer-Kahan</td>
<td>Toxic air contaminants.</td>
<td>Assembly - Natural Resources</td>
<td>Support Sponsor</td>
<td>HIGH</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 3217</td>
<td>Gloria</td>
<td>Greenhouse gases: crude oil emissions.</td>
<td>Assembly - Natural Resources</td>
<td>Propose Support</td>
<td>HIGH</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 3251</td>
<td>Bauer-Kahan</td>
<td>Electricity: resource adequacy requirements.</td>
<td>Assembly - Utilities and Energy</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AB 3256</td>
<td>Garcia, Eduardo</td>
<td>Climate risks: bond measure.</td>
<td>Assembly - Pending Referral</td>
<td></td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ACR 143</td>
<td>Quirk</td>
<td>Climate crisis.</td>
<td>Assembly - Natural Resources</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 43</td>
<td>Allen</td>
<td>Carbon intensity and pricing: retail products.</td>
<td>Assembly - Revenue and Taxation</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 45</td>
<td>Allen</td>
<td>Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020.</td>
<td>Assembly - Pending Referral</td>
<td>Support</td>
<td>HIGH</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 59</td>
<td>Allen</td>
<td>California Transportation Commission: advisory committee: autonomous vehicle technology.</td>
<td>Assembly - Appropriations</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 69</td>
<td>Wiener</td>
<td>Ocean Resiliency Act of 2019.</td>
<td>Assembly - Appropriations</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 168</td>
<td>Wieckowski</td>
<td>Climate change: Chief Climate Resilience Officer.</td>
<td>Assembly - Appropriations</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BILL #</td>
<td>AUTHOR</td>
<td>SUBJECT</td>
<td>Last Status</td>
<td>Notes</td>
<td>Position</td>
<td>Priority (Low/Medium/High)</td>
<td>PSPS Related List</td>
</tr>
<tr>
<td>--------</td>
<td>--------</td>
<td>---------</td>
<td>-------------</td>
<td>-------</td>
<td>----------</td>
<td>--------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>SB 278</td>
<td>Beall</td>
<td>Metropolitan Transportation Commission.</td>
<td>Assembly - Pending Referral</td>
<td>FASTER</td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 369</td>
<td>Hertzberg</td>
<td>Vehicle repair assistance program: safe parking program participants.</td>
<td>Assembly - Transportation</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 378</td>
<td>Wiener</td>
<td>Electrical corporations: deenergization events: procedures; allocation of costs: reports.</td>
<td>Assembly - Pending Referral</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 431</td>
<td>McGuire</td>
<td>Mobile telephony service base transceiver station towers: communications infrastructure: performance reliability standards.</td>
<td>Assembly - Communications and Conveyance</td>
<td></td>
<td>LOW</td>
<td></td>
<td>PSPS Related</td>
</tr>
<tr>
<td>SB 498</td>
<td>Hurtado</td>
<td>Trade Corridors Improvement Fund: grant program: short-line railroads.</td>
<td>Assembly - Transportation</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 515</td>
<td>Caballero</td>
<td>Public Utilities Commission: high hazard zone fuel: report.</td>
<td>Assembly - Appropriations</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 535</td>
<td>Moorlach</td>
<td>Greenhouse gases: wildfires and forest fires: air emissions.</td>
<td>Assembly - Appropriations</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 613</td>
<td>Stern</td>
<td>State agency greenhouse gas emission reduction report cards.</td>
<td>Assembly - Appropriations</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 629</td>
<td>McGuire</td>
<td>Air districts: hearing boards: notice requirements.</td>
<td>Assembly - Natural Resources</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 662</td>
<td>Archuleta</td>
<td>Green electrolytic hydrogen.</td>
<td>Assembly - Utilities and Energy</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 702</td>
<td>Hill</td>
<td>California Renewables Portfolio Standard Program: procurement.</td>
<td>Assembly - Pending Referral</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 802</td>
<td>Glazer</td>
<td>Emergency backup generators: health facilities: permit operating condition exclusion.</td>
<td>Senate - Environmental Quality</td>
<td></td>
<td>MEDIUM</td>
<td></td>
<td>PSPS Related</td>
</tr>
<tr>
<td>SB 808</td>
<td>Mitchell</td>
<td>Budget Act of 2020.</td>
<td>Senate - Pending Referral</td>
<td></td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 858</td>
<td>Beall</td>
<td>Thermal powerplants: exemption: emergency backup and standby generators: data centers.</td>
<td>Senate - Energy, Utilities and Communications</td>
<td></td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 862</td>
<td>Dodd</td>
<td>Planned power outage: public safety.</td>
<td>Senate - Energy, Utilities and Communications</td>
<td></td>
<td>LOW</td>
<td></td>
<td>PSPS Related</td>
</tr>
<tr>
<td>SB 895</td>
<td>Archuleta</td>
<td>Energy: zero-emission fuel, infrastructure, and transportation technologies.</td>
<td>Senate - Energy, Utilities and Communications</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 925</td>
<td>Glazer</td>
<td>Mobile telephony service base transceiver station towers: performance reliability standards.</td>
<td>Senate - Energy, Utilities and Communications</td>
<td></td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 964</td>
<td>Skinner</td>
<td>Chemicals: outdoor application: residential areas.</td>
<td>Senate - Rules</td>
<td></td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 986</td>
<td>Allen</td>
<td>Coastal resources: new development: greenhouse gas emissions.</td>
<td>Senate - Natural Resources and Water</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 995</td>
<td>Atkins</td>
<td>Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2011.</td>
<td>Senate - Environmental Quality</td>
<td></td>
<td>LOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 1020</td>
<td>Dahle</td>
<td>Income taxes: credits; generators.</td>
<td>Senate - Governance and Finance</td>
<td></td>
<td>LOW</td>
<td></td>
<td>PSPS Related</td>
</tr>
<tr>
<td>SB 1070</td>
<td>Leyva</td>
<td>Land use: general plans.</td>
<td>Senate - Rules</td>
<td></td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 1099</td>
<td>Dodd</td>
<td>Emergency backup generators: critical facilities: exemption.</td>
<td>Senate - Environmental Quality</td>
<td></td>
<td>MEDIUM</td>
<td></td>
<td>PSPS Related</td>
</tr>
<tr>
<td>SB 1113</td>
<td>Gonzalez, Lena</td>
<td>State Air Resources Board: report.</td>
<td>Senate - Rules</td>
<td></td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 1122</td>
<td>Skinner</td>
<td>Green electrolytic hydrogen.</td>
<td>Senate - Energy, Utilities and Communications</td>
<td></td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 1164</td>
<td>Grove</td>
<td>Petroleum refineries: air monitoring systems.</td>
<td>Senate - Rules</td>
<td></td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 1183</td>
<td>Hertzberg</td>
<td>Electric vehicle charging master plan.</td>
<td>Senate - Energy, Utilities and Communications</td>
<td></td>
<td>MEDIUM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SB 1185</td>
<td>Moorlach</td>
<td>Natural gas powered generators: operation during deenergization events.</td>
<td>Senate - Environmental Quality</td>
<td></td>
<td>MEDIUM</td>
<td></td>
<td>PSPS Related</td>
</tr>
<tr>
<td>BILL #</td>
<td>AUTHOR</td>
<td>SUBJECT</td>
<td>Last Status</td>
<td>Notes</td>
<td>Position</td>
<td>Priority (Low/Medium/High)</td>
<td>PSPS Related List</td>
</tr>
<tr>
<td>--------</td>
<td>--------------</td>
<td>-------------------------------------------------------------------------</td>
<td>---------------------</td>
<td>-------</td>
<td>----------</td>
<td>----------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>SB 1195</td>
<td>Gonzalez, Lena</td>
<td>Vehicular air pollution: State Air Resources Board: regulations.</td>
<td>Senate - Rules</td>
<td>Spot Bill</td>
<td>Medium</td>
<td>MEDIUM</td>
<td>PSPS Related</td>
</tr>
<tr>
<td>SB 1207</td>
<td>Jackson</td>
<td>Skilled nursing facilities: backup power system.</td>
<td>Senate - Health</td>
<td>MEDIUM</td>
<td>MEDIUM</td>
<td></td>
<td>PSPS Related</td>
</tr>
<tr>
<td>SB 1215</td>
<td>Stern</td>
<td>Electricity: microgrids: grant program.</td>
<td>Senate - Governmental Organization</td>
<td>LOW</td>
<td>LOW</td>
<td>LOW</td>
<td>PSPS Related</td>
</tr>
<tr>
<td>SB 1258</td>
<td>Stern</td>
<td>California Climate Technology and Infrastructure Financing Act.</td>
<td>Senate - Business, Professions and Economic Development</td>
<td>HIGH</td>
<td>HIGH</td>
<td>HIGH</td>
<td>PSPS Related</td>
</tr>
<tr>
<td>SB 1314</td>
<td>Dodd</td>
<td>Community Energy Resilience Act of 2020.</td>
<td>Senate - Natural Resources and Water</td>
<td>CCA</td>
<td>LOW</td>
<td>LOW</td>
<td>PSPS Related</td>
</tr>
<tr>
<td>SB 1320</td>
<td>Stern</td>
<td>Climate change: California Climate Change Assessment.</td>
<td>Senate - Natural Resources and Water</td>
<td>LOW</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
</tr>
<tr>
<td>SB 1321</td>
<td>Bradford</td>
<td>Transportation electrification: electric vehicles: grid integration.</td>
<td>Senate - Energy, Utilities and Communications</td>
<td>LOW</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
</tr>
<tr>
<td>SB 1323</td>
<td>Skinner</td>
<td>Carbon sequestration: state goals: natural and working lands: registry of projects.</td>
<td>Senate - Environmental Quality</td>
<td>LOW</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
</tr>
<tr>
<td>SB 1330</td>
<td>Umberg</td>
<td>Sales and Use Tax Law: zero emissions vehicle exemption.</td>
<td>Senate - Rules</td>
<td>LOW</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
</tr>
<tr>
<td>SB 1332</td>
<td>Allen</td>
<td>Solid waste: recycling and composting infrastructure.</td>
<td>Senate - Rules</td>
<td>LOW</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
</tr>
<tr>
<td>SB 1363</td>
<td>Allen</td>
<td>Regional transportation plans: sustainable communities strategies: greenhouse gas emissions and vehicle miles traveled reduction targets.</td>
<td>Senate - Environmental Quality</td>
<td>LOW</td>
<td>LOW</td>
<td>LOW</td>
<td></td>
</tr>
<tr>
<td>SB 1415</td>
<td>Borgesas</td>
<td>Income taxes: credits: backup electricity generators.</td>
<td>Senate - Governance and Finance</td>
<td>LOW</td>
<td>LOW</td>
<td>LOW</td>
<td>PSPS Related</td>
</tr>
<tr>
<td><strong>Total Bills</strong></td>
<td><strong>132</strong></td>
<td><strong>Total Bills</strong></td>
<td><strong>Low:</strong> 86</td>
<td><strong>Medium:</strong> 30</td>
<td><strong>High:</strong> 16</td>
<td><strong>21</strong></td>
<td><strong>PSPS Related List</strong></td>
</tr>
</tbody>
</table>