



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
LEGISLATIVE COMMITTEE MEETING

COMMITTEE MEMBERS

MARGARET ABE-KOGA – CHAIR
JOHN BAUTERS
PAULINE RUSSO CUTTER
SCOTT HAGGERTY
TYRONE JUE

BRAD WAGENKNECHT – VICE CHAIR
DAVID CANEPA
JOHN GIOIA
DAVINA HURT
KAREN MITCHOFF

**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**

**WEDNESDAY
APRIL 15, 2020
8:30 A.M.**

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.

CONTACT:

MANAGER, EXECUTIVE OPERATIONS
375 BEALE STREET, SAN FRANCISCO, CA 94105
vjohnson@baaqmd.gov

(415) 749-4941
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- 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 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.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

375 BEALE STREET, SAN FRANCISCO, CA 94105

FOR QUESTIONS PLEASE CALL (415) 749-4941

EXECUTIVE OFFICE:

MONTHLY CALENDAR OF AIR DISTRICT MEETINGS

APRIL 2020

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Legislative Committee	Wednesday	15	8:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Ad Hoc Building Oversight Committee	Wednesday	15	9:00 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Regular Meeting	Wednesday	15	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Personnel Committee	Wednesday	15	1:00 p.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Climate Protection Committee - CANCELLED & RESCHEDULED TO WEDNESDAY, APRIL 22, 2020 AT 3:00 P.M.	Thursday	16	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Budget & Finance Committee	Wednesday	22	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Legislative Committee	Wednesday	22	10:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Stationary Source Committee	Wednesday	22	12:00 p.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Mobile Source Committee	Wednesday	22	2:00 p.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Climate Protection Committee	Wednesday	22	3:00 p.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Mobile Source Committee - CANCELLED & RESCHEDULED TO WEDNESDAY, APRIL 22, 2020 AT 2:00 P.M.	Thursday	23	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20

MAY 2020

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Special Meeting Budget Hearing	Wednesday	6	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Special Meeting	Wednesday	6	10:00 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Community & Public Health Committee – CANCELLED & RESCHEDULED TO WEDNESDAY, MAY 27, 2020 AT 12:30 P.M.	Thursday	7	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Technology Implementation Office (TIO) Steering Committee	Friday	15	1:00 p.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Budget & Finance Committee - CANCELLED	Wednesday	27	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Legislative Committee	Wednesday	27	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Mobile Source Committee	Wednesday	27	11:00 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Community & Public Health Committee	Wednesday	27	12:30 p.m.	Webcast only pursuant to Executive Order N-29-20

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Margaret Abe-Koga and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: April 8, 2020

Re: Consideration of New Bills

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



AB 1972
ASSEMBLYMAN Randy Voepel

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

ASSEMBLY BILL

No. 1972

Introduced by Assembly Member Voepel

January 22, 2020

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 an emissions control inspection if the vehicle meets specified criteria.

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

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 SECTION 1. Section 44011 of the Health and Safety Code is
- 2 amended to read:
- 3 44011. (a) All motor vehicles powered by internal combustion
- 4 engines that are registered within an area designated for program

1 coverage shall be required biennially to obtain a certificate of
2 compliance or noncompliance, except for the following:

3 (1) All motorcycles until the department, pursuant to Section
4 44012, implements test procedures applicable to motorcycles.

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

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

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

13 (B) (i) Beginning January 1, 2005, all motor vehicles six or
14 less model-years old, unless the state board finds that providing
15 an exception for these vehicles will prohibit the state from meeting
16 the requirements of Section 176(c) of the federal Clean Air Act
17 (42 U.S.C. Sec. 7401 et seq.) or the state's commitments with
18 respect to the state implementation plan required by the federal
19 Clean Air Act.

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

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

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

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

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

39 (iii) The vehicle is being registered as a specially constructed
40 vehicle.

1 (iv) The vehicle has been selected for testing pursuant to Section
2 44014.7 or any other provision of this chapter authorizing
3 out-of-cycle testing.

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

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

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

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

17 (8) (A) All diesel-powered vehicles manufactured prior to the
18 1998 model-year.

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

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

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

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

34 (c) For purposes of subdivision (a), a collector motor vehicle,
35 as defined in Section 259 of the Vehicle Code, is exempt from
36 those portions of the test required by subdivision (f) of Section
37 44012 if the collector motor vehicle meets all of the following
38 criteria: 44012.

- 1 ~~(1) Submission of proof that the motor vehicle is insured as a~~
- 2 ~~collector motor vehicle, as shall be required by regulation of the~~
- 3 ~~bureau.~~
- 4 ~~(2) The motor vehicle is at least 35 model-years old.~~
- 5 ~~(3) The motor vehicle complies with the exhaust emissions~~
- 6 ~~standards for that motor vehicle's class and model-year as~~
- 7 ~~prescribed by the department, and the motor vehicle passes a~~
- 8 ~~functional inspection of the fuel cap and a visual inspection for~~
- 9 ~~liquid fuel leaks.~~



ASSEMBLYMEMBER TIM GRAYSON
AB 2225
SMOG CHECK: EXEMPTION: HISTORIC VEHICLES

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

¹ <https://www.sema.org/sema-news/2019/06/do-young-people-still-love-cars>

² https://www.dmv.ca.gov/portal/wcm/connect/fafd3447-8e14-4ff6-bb98-e85f3aa9a207/ca_dmv_stats.pdf?MOD=AJPERES&CVID=

ASSEMBLY BILL**No. 2225**

Introduced by Assembly Member GraysonFebruary 12, 2020

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.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

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

3 44011. (a) All motor vehicles powered by internal combustion
4 engines that are registered within an area designated for program
5 coverage shall be required biennially to obtain a certificate of
6 compliance or noncompliance, except for the following:

7 (1) All motorcycles until the department, pursuant to Section
8 44012, implements test procedures applicable to motorcycles.

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

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

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

17 (B) (i) Beginning January 1, 2005, all motor vehicles six or
18 less model-years old, unless the state board finds that providing
19 an exception for these vehicles will prohibit the state from meeting
20 the requirements of Section 176(c) of the federal Clean Air Act
21 (42 U.S.C. Sec. 7401 et seq.) or the state's commitments with
22 respect to the state implementation plan required by the federal
23 Clean Air Act.

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

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

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

37 (i) The department determines through remote sensing activities
38 or other means that there is a substantial probability that the vehicle

1 has a tampered emission control system or would fail for other
2 cause a smog check test as specified in Section 44012.

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

5 (iii) The vehicle is being registered as a specially constructed
6 vehicle.

7 (iv) The vehicle has been selected for testing pursuant to Section
8 44014.7 or any other provision of this chapter authorizing
9 out-of-cycle testing.

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

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

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

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

23 (8) (A) All diesel-powered vehicles manufactured prior to the
24 1998 model-year.

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

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

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

37 (9) *All motor vehicles that have a license plate issued in*
38 *accordance with Section 5004 of the Vehicle Code.*

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

4 (c) For purposes of subdivision (a), a collector motor vehicle,
5 as defined in Section 259 of the Vehicle Code, is exempt from
6 those portions of the test required by subdivision (f) of Section
7 44012 if the collector motor vehicle meets all of the following
8 criteria:

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

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

13 (3) The motor vehicle complies with the exhaust emissions
14 standards for that motor vehicle's class and model-year as
15 prescribed by the department, and the motor vehicle passes a
16 functional inspection of the fuel cap and a visual inspection for
17 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

ASSEMBLY BILL**No. 2182**

Introduced by Assembly Member Blanca RubioFebruary 11, 2020

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.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

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

3 (a) Due to climate change, California’s risk for catastrophic
4 wildfires has increased substantially and California’s wildfire
5 season is now longer and more intense.

6 (b) Catastrophic wildfires have had and continue to have an
7 enormous impact on California, taking and threatening life,
8 property, and our environment, and costing the state billions of
9 dollars.

10 (c) Public safety power shutoffs and deenergization events,
11 while necessary to protect California from catastrophic wildfires,
12 impact essential public services, including firefighting, police, and
13 water services, which are necessary to respond to a wildfire.

14 (d) Given the importance of essential public services in
15 responding to wildfire, it is crucial to ensure the essential public
16 service provider has access to alternative power sources during
17 public safety power shutoffs and other deenergization events to
18 maintain California’s ability to respond to wildfire.

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

22

23

Article 9.4. Standby Electric Generation

24

25 42005. For purposes of this article, the following terms apply:

26 (a) “Alternative power source” means equipment that is used
27 by an essential public service provider to produce electricity to
28 directly run a critical facility during a deenergization event.

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

1 (c) “Deenergization event” means the loss of electricity to a
2 critical facility due to an emergency, including, but not limited to,
3 wildfire.

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

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

13 42007. (a) Notwithstanding other law, the use of an alternative
14 power source by a provider of essential services to operate a critical
15 facility during a deenergization event shall not be subject to any
16 local, regional, or state regulation regarding the operation of an
17 alternative power source.

18 (b) Notwithstanding other law, in lieu of compliance with any
19 applicable legal requirements, a provider of essential public service
20 may comply with the maintenance and testing procedure set forth
21 in the National Fire Protection Association Standard for Emergency
22 and Standby Power Systems, NFPA 110, or any successor standard
23 adopted by the association, for an alternative power source
24 designated by the provider for the support of a critical facility
25 during a deenergization event.



SB 802— Health Facilities: Emergency Backup Generators

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.¹ 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

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

4
5 Article 9.3. Emergency Backup Generators
6

7 42000. For purposes of this article, the following terms apply:
8 (a) “Deenergization event” means the proactive interruption of
9 electrical service for the purpose of mitigating or avoiding the risk
10 of causing a wildfire.

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

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

20 (d) “Health facility” has the same meaning as defined in Section
21 1250.

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

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

5 42001. Consistent with federal law, a district shall adopt a rule,
 6 or revise its existing rules, to allow a health facility that has
 7 received a permit from the district to construct and operate an
 8 emergency backup generator to use that emergency backup
 9 generator during a deenergization event without having that usage
 10 count toward any time limitation on actual usage and routine testing
 11 and maintenance included as a condition for issuance of that permit.
 12 For a health facility that receives notice of a planned deenergization
 13 event, whether made specifically to the facility or made generally
 14 to the public, the period of permissible use exempt from the time
 15 limitation on actual usage shall encompass the period commencing
 16 when the health facility is notified that the deenergization will or
 17 will likely commence, and concluding when the health facility
 18 receives notification, whether specific or general, that reliable
 19 electrical service has been restored.

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

22 8385. (a) For purposes of this chapter, the following shall
 23 apply:

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

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

29 ~~(2)~~

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

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

38 SEC. 3. Section 8386.7 is added to the Public Utilities Code,
 39 to read:

1 8386.7. If an electrical corporation, electrical cooperative, or
2 local publicly owned electric utility has undertaken a
3 deenergization event during a calendar year, the electrical utility
4 shall submit a report, by January 30 of the following calendar year,
5 to each air quality management district and air pollution control
6 district affected by the deenergization event that includes all of
7 the following:

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

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

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

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

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

34 With respect to other mandates, if the Commission on State
35 Mandates determines that this act contains costs mandated by the
36 state, reimbursement to local agencies and school districts for those
37 costs shall be made pursuant to Part 7 (commencing with Section
38 17500) of Division 4 of Title 2 of the Government Code.

O



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 DoddFebruary 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, 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

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

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

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

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

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

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

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

1 Article 9.5. Emergency Backup Generators

2
3 42010. For purposes of this article, the following terms apply:

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

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

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

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

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

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

32 42012. (a) Consistent with federal law, a district shall adopt
33 a rule, or revise its existing rules, to allow critical facilities with a
34 permitted emergency backup generator to do any of the following
35 with that emergency backup generator without having it count
36 toward that permitted emergency backup generator’s time
37 limitation on actual usage and routine testing and maintenance:

38 (1) Use the emergency backup generator during a deenergization
39 event or other loss of power.

1 (2) Test or maintain the emergency backup generator for
2 consistency with any of the following:

3 (A) The National Fire Protection Association Standard 110 for
4 Emergency and Standby Power Systems, or its successor.

5 (B) Industry best practices

6 (C) Recommendations by the manufacturer of the emergency
7 backup generator.

8 (b) A district shall not impose a fee on the issuance or renewal
9 of a permit issued for an emergency backup generator described
10 in subdivision (a).

11 SEC. 3. If the Commission on State Mandates determines that
12 this act contains costs mandated by the state, reimbursement to
13 local agencies and school districts for those costs shall be made
14 pursuant to Part 7 (commencing with Section 17500) of Division
15 4 of Title 2 of the Government Code.

CAPITOL OFFICE
STATE CAPITOL
SACRAMENTO, CA 95814
(916) 651-4037

DISTRICT OFFICE
940 SOUTH COAST DRIVE
SUITE 185
COSTA MESA, CA 92626
(714) 662-6050

@SENATORMOORLACH

California State Senate



SENATOR
JOHN M. W. MOORLACH, CPA (INACTIVE)
THIRTY-SEVENTH SENATE DISTRICT

AGENDA 2K - ATTACHMENT

GOVERNANCE & FINANCE
VICE CHAIR

ENERGY, UTILITIES &
COMMUNICATIONS
VICE CHAIR

PUBLIC SAFETY
VICE CHAIR

BUDGET & FISCAL REVIEW
HOUSING
INSURANCE

SELECT COMMITTEE ON
MENTAL HEALTH

JOINT COMMITTEE ON RULES

JOINT LEGISLATIVE
AUDIT COMMITTEE

FACT SHEET

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

SENATE BILL**No. 1185**

Introduced by Senator MoorlachFebruary 20, 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 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

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

4
5 Article 9.3. Use of Natural Gas Powered Generators During
6 Deenergization Events
7

8 42000. For purposes of this article, the following terms apply:

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

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

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

16 (d) “Federally compliant natural gas powered generator” means
17 a device used for the generation of electricity that complies with
18 the federal standards of performance for stationary spark ignition
19 internal combustion engines (Subpart JJJJ (commencing with

1 Section 60.4230) of Part 60 of Title 40 of the Code of Federal
 2 Regulations) and burns only natural gas for operation during the
 3 deenergization event, or, if the generator is located in an area that
 4 does not have natural gas service, burns only propane during the
 5 deenergization event.

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

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

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

11 42001. Consistent with federal law, no district shall adopt or
 12 maintain a rule that would limit or prohibit any person from using
 13 a federally compliant natural gas powered generator during a
 14 deenergization event and any usage during a deenergization event
 15 shall not count toward any time limitation on actual usage and
 16 routine testing and maintenance included as a condition for
 17 issuance of any permit for that generator.

18 42002. Consistent with federal law, the state board shall not
 19 adopt or maintain a rule that would limit or prohibit any person
 20 from using a federally compliant natural gas powered generator
 21 during a deenergization event.

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

24 8385. (a) For purposes of this chapter, the following shall
 25 apply:

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

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

31 ~~(2)~~

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

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

1 SEC. 3. Section 8390 is added to the Public Utilities Code, to
2 read:

3 8390. If an electrical corporation, electrical cooperative, or
4 local publicly owned electric utility has undertaken a
5 deenergization event during a calendar year, the electrical utility
6 shall submit a report, by January 30 of the following calendar year,
7 to the State Air Resources Board and to each air quality
8 management district and air pollution control district affected by
9 the deenergization event. The report shall include both of the
10 following:

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

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

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

27 With respect to other mandates, if the Commission on State
28 Mandates determines that this act contains costs mandated by the
29 state, reimbursement to local agencies and school districts for those
30 costs shall be made pursuant to Part 7 (commencing with Section
31 17500) of Division 4 of Title 2 of the Government Code.



Assembly Member Bill Quirk, 20th Assembly District

AB 2792 – MOBILE FUELING ON-DEMAND TANK VEHICLES

(UPDATED 03.10.20)

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

ASSEMBLY BILL**No. 2792****Introduced by Assembly Member Quirk**

February 20, 2020

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.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 39618.5 is added to the Health and Safety
2 Code, to read:
3 39618.5. A mobile fueling on-demand tank vehicle, as defined
4 in paragraph (2) of subdivision (f) of Section 41950, shall be
5 classified as a mobile source and shall be regulated by the state
6 board on a statewide basis to prevent confusion concerning whether

1 the mobile fueling on-demand tank vehicle is a stationary sources
2 when not being driven and to prevent inconsistent regulation by
3 districts of a mobile fueling on-demand tank vehicle that is operated
4 in more than one district. The state board shall adopt regulations
5 on or before January 1, _____, to achieve reductions in emissions
6 attributable to mobile fueling on-demand tank vehicles.

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

9 41950. (a) Except as provided in subdivisions ~~(b)~~ and (b), (e),
10 ~~no~~ and (f), a person shall *not* install or maintain ~~any~~ a stationary
11 gasoline tank with a capacity of 250 gallons or more ~~which that~~
12 is not equipped for loading through a permanent submerged fill
13 pipe, unless ~~such~~ the tank is a pressure tank as described in Section
14 41951, or is equipped with a vapor recovery system as described
15 in Section 41952 or with a floating roof as described in Section
16 41953, or unless ~~such~~ the tank is equipped with other apparatus
17 of equal efficiency ~~which that~~ has been approved by the air
18 pollution control officer in whose district the tank is located.

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

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

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

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

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

36 (2) For purposes of this subdivision, “mobile fueling on-demand
37 tank vehicle” means a tank truck or trailer equipped with an
38 onboard cargo tank system designed to load, transport, and
39 transfer motor vehicle fuel directly from the onboard cargo tank
40 into a motor vehicle fuel tank.

1 SEC. 3. Section 41962 of the Health and Safety Code is
2 amended to read:

3 41962. (a) Notwithstanding Section 34002 of the Vehicle
4 Code, the state board shall adopt test procedures to determine the
5 compliance of vapor recovery systems of cargo tanks on tank
6 vehicles used to transport gasoline with vapor emission standards
7 ~~which~~ *that* are reasonable and necessary to achieve or maintain
8 any applicable ambient air quality standard. The performance
9 standards and test procedures adopted by the state board shall be
10 consistent with the regulations adopted by the Commissioner of
11 the California Highway Patrol and the State Fire Marshal pursuant
12 to Division 14.7 (commencing with Section ~~34001~~ 34000) of the
13 Vehicle Code.

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

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

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

38 (e) The state board may contract with the Department of the
39 California Highway Patrol to carry out the responsibilities imposed
40 by subdivisions (b), (c), and (d).

1 (f) The state board shall charge a reasonable fee for certification,
2 not to exceed its estimated costs ~~therefor~~ *of certification*. Payment
3 of the fee shall be a condition of certification. The fees may be
4 collected by the Department of the California Highway Patrol and
5 deposited in the Motor Vehicle Account in the State Transportation
6 Fund. The Department of the California Highway Patrol shall
7 transfer to the Air Pollution Control Fund the amount of those fees
8 necessary to reimburse the state board for the costs of administering
9 the certification program.

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

20 (h) Performance standards of ~~any a~~ district for cargo tank vapor
21 recovery systems on tank vehicles used to transport gasoline shall
22 be identical ~~with to~~ those adopted by the state board ~~therefor~~ and
23 ~~no a~~ district shall *not* adopt test procedures for, or require
24 certification of, cargo tank vapor recovery systems. ~~No~~ A district
25 ~~may shall not~~ impose any fees on, or require any permit of, tank
26 vehicles with vapor recovery systems. However, ~~nothing in~~ this
27 section ~~shall be construed to~~ *does not* prohibit a district from
28 inspecting and testing cargo tank vapor recovery systems on tank
29 vehicles for the purposes of enforcing this section or any rule and
30 regulation adopted ~~thereunder~~ *pursuant to this section that are is*
31 applicable to ~~such those~~ systems and to the loading and unloading
32 of cargo tanks on tank vehicles.

33 (i) The Legislature hereby declares that the purposes of this
34 section regarding cargo tank vapor recovery systems on tank
35 ~~vehicles~~ *vehicles, including, but not limited to, a system or system*
36 *component of a mobile fueling on-demand tank vehicle, as defined*
37 *in paragraph (2) of subdivision (f) of Section 41950, are* ~~(1) (I)~~ to
38 remove from the districts the authority to certify, except as
39 specified in subdivision (b), ~~such those~~ systems and to charge fees
40 ~~therefor, for certification, and~~ ~~(2) (II)~~ to grant ~~such~~ authority to

1 the state ~~board, which shall~~ *board* to have the primary
2 responsibility to assure that ~~such~~ *those* systems are operated in
3 compliance with its standards and procedures adopted pursuant to
4 subdivision (a).

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

12 SEC. 4. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 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.

ASSEMBLY BILL**No. 2498****Introduced by Assembly Member Chu**

February 19, 2020

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.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
- 3 (a) Particle pollution is linked to a number of health problems,
4 including coughing, wheezing, reduced lung function, asthma
5 attacks, heart attacks, and strokes.
- 6 (b) Numerous studies have found that children are at higher risk
7 than adults for adverse health effects caused by air pollution.
- 8 (c) The United States Environmental Protection Agency’s Air
9 Quality Index (AQI) recognizes that children are a “sensitive
10 group” requiring heightened awareness of air quality and early
11 removal from pollutants to reduce unhealthy exposure.
- 12 (d) In addition to children, studies have found athletes are also
13 at an elevated risk of illness caused by exposure to air pollution
14 due to higher breathing volume and the taking of deeper breaths
15 through their mouths, bypassing the body’s natural nasal filtration.
- 16 (e) Smoke from massive wildfires in Australia caused at least
17 one player to collapse on the court at the 2020 Australian Open,
18 and other competitors to withdraw from their matches.
- 19 (f) Particle pollution comes from many different types of
20 sources, including industrial processes, woodstoves, and wildfires.
- 21 (g) Over the last decade, devastating wildfires have ravaged
22 communities and school districts in every corner of the state,
23 blanketing entire regions of the state with thick, unhealthy smoke.
- 24 (h) In response to this challenge, in 2019, leaders from the
25 education, air quality, and public health communities established
26 a working group to develop state guidance regarding air quality
27 for the state’s 1,026 school districts during wildfire smoke days.
- 28 (i) For the state’s college athletes, the National Collegiate
29 Athletic Association recommends, “attentive monitoring of local
30 AQI and associated air quality alerts, especially at times of extreme
31 environmental conditions,” and “removing athletes from exposure
32 in accordance with AQI guidance.” They suggest that member
33 school’s “emergency plans should guide the emergency care
34 response in these circumstances.”

1 (j) The state’s secondary school coaches and athletes have no
2 statewide guidance for handling air quality emergencies and
3 preventing air pollution-related illness.

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

6 33353. (a) The California Interscholastic Federation is a
7 voluntary organization that consists of school and school-related
8 personnel with responsibility for administering interscholastic
9 athletic activities in secondary schools. It is the intent of the
10 Legislature that the California Interscholastic Federation, in
11 consultation with the department, implement the following policies:

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

14 (2) Require that all league, section, and state meetings affiliated
15 with the California Interscholastic Federation be subject to the
16 notice and hearing requirements of the Ralph M. Brown Act
17 (Chapter 9 (commencing with Section 54950) of Part 1 of Division
18 2 of Title 5 of the Government Code).

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

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

24 (5) Comply with the California Public Records Act (Chapter
25 3.5 (commencing with Section 6250) of Division 7 of Title 1 of
26 the Government Code), and in doing so, as a third-party recipient
27 of pupil and school personnel information, be afforded the same
28 public records disclosure exemptions as are afforded to school
29 districts, in order to protect the confidentiality of pupil and school
30 personnel records and information.

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

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

37 (C) *As a condition of California Interscholastic Federation*
38 *membership, require schools to ensure that their existing written*
39 *emergency action plans, established pursuant to Section 35179.4,*
40 *educate administrators, staff, and coaches on, and require their*

1 *adherence to, air quality activity recommendations and education*
2 *materials made available on its internet website.*

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

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

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

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

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

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

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

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

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

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

37 (A) During years in which the California Interscholastic
38 Federation is not required to report to the Legislature and the
39 Governor pursuant to paragraph (1), it shall hold a public comment

1 period relating to that report at three regularly scheduled federation
2 council meetings per year.

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

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

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

13 (3) Upon receiving a report from the California Interscholastic
14 Federation pursuant to paragraph (1), the appropriate policy
15 committees of the Legislature shall hold a joint hearing at which
16 the California Interscholastic Federation shall testify and members
17 of the public shall be encouraged to testify on information in the
18 report, including, but not limited to, the information required in
19 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

ASSEMBLY BILL**No. 3217**

Introduced by Assembly Member GloriaFebruary 21, 2020

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.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

- 1 SECTION 1. Section 39735 is added to the Health and Safety
- 2 Code, to read:
- 3 39735. (a) For purposes of this section, the following
- 4 definitions shall apply:
- 5 (1) “Life-cycle emissions” means all emissions associated with
- 6 production, processing, refining, shipping, petroleum product
- 7 transportation, end uses, and disposal of a crude oil and its
- 8 associated gas, all derivative products, and wastes.
- 9 (2) “Multicut assay” means determination by a qualified
- 10 laboratory of both of the following:
- 11 (A) The characteristics of a crude oil type, including gravity,
- 12 density, chemical content, including sulfur, nitrogen, and hydrogen,
- 13 volume and mass flow, microcarbon or Conradson carbon residue,
- 14 and viscosity for vacuum residuum. Each of these parameters shall
- 15 be assessed at a range of cut temperatures that shall include at
- 16 minimum the following nine set points in degrees Centigrade: 80,
- 17 180, 290, 343, 399, 454, 525, 525 plus, and 399 plus, where “plus”
- 18 indicates the highest temperature at which 100 percent of the crude
- 19 oil has been distilled.
- 20 (B) Levels of benzene, nickel, vanadium, selenium, acidity,
- 21 viscosity, mercury, microcarbon or Conradson carbon residue, and
- 22 any other crude oil characteristics or constituents that the state
- 23 board identifies as pertinent to protection of health, safety, or the
- 24 environment, assessed on the whole crude.

1 (b) No later than December 31, 2023, the state board, in
2 cooperation with the Geologic Energy Management Division in
3 the Department of Conservation and the State Energy Resources
4 Conservation and Development Commission, shall complete and
5 publish an analysis of the life-cycle greenhouse gas emissions
6 associated with crude oil produced in the state. The analysis shall
7 include the following elements and any other elements deemed
8 appropriate and necessary by the state board:

9 (1) Quantification of the per-barrel life-cycle emissions of
10 greenhouse gases, as defined in Section 38505 of the Health and
11 Safety Code, from each of the crude oil types produced in
12 California.

13 (A) The analysis shall separately identify the life-cycle emissions
14 of greenhouse gases associated with each crude oil production
15 field in California, or with each production pool in any such field
16 to the extent the state board determines necessary pursuant to
17 subdivision (c) to address variations in crude oil characteristics
18 within a production field.

19 (B) The analysis shall employ a methodology that considers the
20 characteristics of the crude oil from each assessed production field
21 or pool, as reflected in the multicut assays referenced in subdivision
22 (c) of this section and any other relevant information.

23 (2) Identification of data gaps in the life cycle analysis.

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

27 (4) Criteria that may be used to establish thresholds of
28 significance that could be applied in a determination of significance
29 pursuant to Section 21082.2 of the Public Resources Code for
30 life-cycle greenhouse gas impacts of emissions associated with oil
31 production and refining in California. In determining these criteria,
32 the state board shall consider all of the following:

33 (A) The cumulative greenhouse gas impacts of crude oil
34 production and refining in the state.

35 (B) State, local, national, and international greenhouse gas
36 reduction targets.

37 (C) The social costs of greenhouse gases as determined pursuant
38 to paragraph (3).

39 (D) Other factors the state board finds appropriate.

1 (5) Identification of means to reduce life-cycle emissions of
2 greenhouse gases associated with production and refining of crude
3 oil in the state, including direct reductions in process emissions
4 and reductions in the volume of production or refining of particular
5 types of crude oil.

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

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

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

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

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

31 (f) The state board shall provide opportunities for public
32 participation in development of the life-cycle emissions analysis
33 required pursuant to subdivision (b) and shall make a draft of the
34 completed analysis available for public comment. Upon the release
35 of the draft life-cycle emissions analysis, the state board shall make
36 available to the public all supporting data to the extent release of
37 the data is not prohibited by law.

SENATE BILL**No. 1122**

Introduced by Senator SkinnerFebruary 19, 2020

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.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

- 1 SECTION 1. Section 400.3 of the Public Utilities Code is
- 2 amended to read:
- 3 400.3. The commission, State Air Resources Board, and Energy
- 4 Commission shall consider green electrolytic hydrogen an eligible
- 5 form of energy ~~storage~~, *storage, a zero carbon-emitting resource*
- 6 *pursuant to Section 454.51, and a zero-carbon resource pursuant*
- 7 *to Section 454.53*, and shall consider other potential uses of green
- 8 electrolytic hydrogen.



SENATOR JIM BEALL

SB 858 Backup Generators

Co-Authors: Senator Nielsen Assembly Member Rivas

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

AMENDED IN SENATE APRIL 3, 2020

SENATE BILL

No. 858

Introduced by Senator Beall
(Coauthors: Senators Morrell and Nielsen)
(Coauthor: Assembly Member Robert Rivas)

January 14, 2020

An act to amend Section 25120 ~~of~~ *of*, and to add Section 21097 to, the Public Resources Code, relating to thermal powerplants.

LEGISLATIVE COUNSEL'S DIGEST

SB 858, as amended, Beall. Thermal powerplants: exemption: emergency backup and standby generators: data centers.

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.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

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

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

3 21097. For purposes of this division, a local land use authority
4 with jurisdiction to approve emergency backup or standby
5 generators that are not under the jurisdiction of the State Energy
6 Resources Conservation and Development Commission pursuant
7 to subdivision (b) of Section 25120 is the lead agency for those
8 approvals.

9 ~~SECTION 1.~~

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

12 25120. (a) "Thermal powerplant" means any stationary or
13 floating electrical generating facility using any source of thermal
14 energy, with a generating capacity of 50 megawatts or more, and
15 any facilities appurtenant thereto. Exploratory, development, and
16 production wells, resource transmission lines, and other related
17 facilities used in connection with a geothermal exploratory project
18 or a geothermal field development project are not appurtenant
19 facilities for the purposes of this division.

1 (b) “Thermal powerplant” does not include any wind,
2 hydroelectric, solar photovoltaic electrical generating facility, or
3 any emergency backup or standby generator that is not connected
4 to the electrical grid and that is constructed, operated, or modified
5 to provide immediate electrical power to maintain operations of a
6 data center in the event of an outage of electricity from the
7 electrical grid.

8 *SEC. 3. No reimbursement is required by this act pursuant to*
9 *Section 6 of Article XIII B of the California Constitution because*
10 *a local agency or school district has the authority to levy service*
11 *charges, fees, or assessments sufficient to pay for the program or*
12 *level of service mandated by this act, within the meaning of Section*
13 *17556 of the Government Code.*

AGENDA 2V - ATTACHMENT

BILL #	AUTHOR	SUBJECT	Last Status	Notes	Position	Priority (Low/Medium/High)	PSPS Related List
AB 126	Cooper	Air Quality Improvement Program: Clean Vehicle Rebate Project.	Senate - Transportation			LOW	
AB 291	Chu	Local Emergency Preparedness and Hazard Mitigation Fund.	Senate - Pending Referral			LOW	
AB 345	Muratsuchi	Natural resources: environmental justice: oil and gas: regulation of operations.	Senate - Pending Referral			LOW	
AB 352	Garcia, Eduardo	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020.	Senate - Environmental Quality			MEDIUM	
AB 409	Limón	Climate change: agriculture: Agricultural Climate Adaptation Tools Program: grants.	Senate - Appropriations			LOW	
AB 464	C. Garcia	California Global Warming Solutions Act of 2006.	Senate - Pending Referral			LOW	
AB 839	Mullin	Climate adaptation strategy: strategic resiliency framework: Resiliency through Adaptation, Economic Vitality, and Equity Account.	Senate - Appropriations			LOW	
AB 1002	Quirk-Silva	California Global Warming Solutions Act of 2006: Low-Carbon Fuel Standard regulations: Greenhouse Gas Reduction Fund.	Senate - Rules			LOW	
AB 1071	Limón	Climate change: agriculture: Agricultural Climate Adaptation Tools Program: grants.	Senate - Pending Referral			LOW	
AB 1112	Friedman	Shared mobility devices: local regulation.	Senate - Transportation			LOW	
AB 1142	Friedman	Regional transportation plans: transportation network companies.	Senate - Appropriations			LOW	
AB 1276	Bonta	Local redistricting.	Senate - Pending Referral			LOW	
AB 1350	Gonzalez	Free youth transit passes: eligibility for state funding.	Senate - Pending Referral			LOW	
AB 1406	O'Donnell	Alternative and Renewable Fuel and Vehicle Technology Program.	Senate - Appropriations			LOW	
AB 1424	Berman	Electric Vehicle Charging Stations Open Access Act.	Senate - Appropriations			LOW	
AB 1441	Levine	Oil and gas: development.	Senate - Pending Referral			LOW	
AB 1567	Aguiar-Curry	Organic waste: scoping plan.	Senate - Pending Referral			LOW	
AB 1714	Aguiar-Curry	Emissions limitations: wine fermentation.	Senate - Environmental Quality		Oppose	HIGH	
AB 1839	Bonta	Climate change: California Green New Deal.	Assembly - Pending Referral			MEDIUM	
AB 1915	Chu	Electrical corporations: deenergization events.	Assembly - Utilities and Energy			LOW	PSPS Related
AB 1917	Ting	Budget Act of 2020.	Assembly - Budget			HIGH	
AB 1920	Boerner Horvath	Climate change: California Climate Adaptation Center and Regional Support Network.	Assembly - Pending Referral	Intent Bill		LOW	
AB 1922	Rivas, Luz	Pupil instruction: science requirements: climate change.	Assembly - Education			LOW	
AB 1942	Gallagher	Forestry and fire protection: reduction of emissions of greenhouse gases.	Assembly - Natural Resources			LOW	
AB 1972	Voepel	Vehicular air pollution.	Assembly - Transportation		Propose Oppose	HIGH	
AB 1991	Friedman	Transit and Intercity Rail Capital Program: passenger tramways.	Assembly - Transportation			LOW	
AB 1992	Friedman	Transportation: transportation infrastructure: climate change.	Assembly - Transportation	Intent Bill		LOW	
AB 2031	Rivas, Luz Friedman	School Pavement to Parks Grant Program.	Assembly - Education			LOW	
AB 2057	Chiu	San Francisco Bay area: public transportation.	Assembly - Pending Referral			MEDIUM	
AB 2089	Rivas, Luz	Resilient Economies and Community Health Pilot Program.	Assembly - Natural Resources			MEDIUM	

BILL #	AUTHOR	SUBJECT	Last Status	Notes	Position	Priority (Low/Medium/High)	PSPS Related List
AB 2145	Ting	Transportation electrification: vehicle charging stations.	Assembly - Pending Referral	Intent Bill		MEDIUM	
AB 2148	Quirk	Climate change: adaptation: regional climate adaptation planning groups: regional climate adaptation plans.	Assembly - Natural Resources	Intent Bill		LOW	
AB 2162	O'Donnell	School facilities: indoor air quality.	Assembly - Education			MEDIUM	
AB 2168	McCarty	Planning and zoning: electric vehicle charging stations: permit application: approval.	Assembly - Local Government			LOW	
AB 2178	Levine	Emergency services.	Assembly - Governmental Organization			LOW	PSPS Related
AB 2182	Rubio, Blanca	Emergency backup generators: water and wastewater facilities: exemption.	Assembly - Utilities and Energy	ACWA Bill	Propose Oppose	HIGH	PSPS Related
AB 2215	Chau	Service stations: definition: electric vehicle charging stations.	Assembly - Transportation			LOW	
AB 2225	Grayson	Smog check: exemption: historic vehicles.	Assembly - Transportation		Propose Oppose	HIGH	
AB 2241	Calderon	State Air Resources Board: report.	Assembly - Pending Referral	Spot Bill		LOW	
AB 2260	Fong	Vehicles: registration fraud.	Assembly - Transportation			MEDIUM	
AB 2262	Berman	Regional transportation plans: sustainable communities strategies: zero-emission vehicle readiness plan.	Assembly - Transportation			LOW	
AB 2331	Muratsuchi	Greenhouse gases: aviation sector: reporting.	Assembly - Natural Resources			LOW	
AB 2371	Friedman	Climate change: adaptation.	Assembly - Natural Resources			LOW	
AB 2421	Quirk	Land use: permitting: wireless communications.	Assembly - In Desk Process			MEDIUM	PSPS Related
AB 2441	Rivas, Luz	Climate change: Safeguarding California Plan.	Assembly - Natural Resources			MEDIUM	
AB 2446	Bonta	Cement plants.	Assembly - Natural Resources			LOW	
AB 2455	Medina	Natural gas and electric battery vehicles: weight limits.	Assembly - Transportation			LOW	
AB 2475	Flora	Electrical corporations: electrical grid monitoring equipment pilot program.	Assembly - Utilities and Energy			LOW	PSPS Related
AB 2498	Chu	Interscholastic athletics: California Interscholastic Federation: air quality activity recommendations.	Assembly - Education		Propose Support	HIGH	
AB 2539	Bigelow	Electrical corporations: deenergization events: elections.	Assembly - Utilities and Energy			LOW	PSPS Related
AB 2566	Garcia, C.	Consumption-based greenhouse gas inventory.	Assembly - In Desk Process			LOW	
AB 2577	Chiu	Environmental protection: vulnerable population: identification.	Assembly - Natural Resources			MEDIUM	
AB 2585	Chau	California-China Climate Institute.	Assembly - Pending Referral			LOW	
AB 2587	McCarty	Local planning.	Assembly - Pending Referral	Spot Bill		LOW	
AB 2612	Maienschein	Greenhouse Gas Reduction Fund: recycling: appropriation.	Assembly - Natural Resources			LOW	
AB 2621	Mullin	Climate resiliency.	Assembly - Pending Referral			LOW	
AB 2653	Kalra	Smart climate agriculture.	Assembly - Pending Referral			LOW	
AB 2667	Boerner Horvath	Air Quality Improvement Program: Clean Vehicle Rebate Project: electric bicycles.	Assembly - Pending Referral	Intent Bill		MEDIUM	
AB 2698	Gray	High-Speed Rail Authority: trains powered by fossil fuel combustion engines.	Assembly - Transportation			LOW	
AB 2737	Garcia, C.	Community emissions reduction programs.	Assembly - Natural Resources			HIGH	

BILL #	AUTHOR	SUBJECT	Last Status	Notes	Position	Priority (Low/Medium/High)	PSPS Related List
AB 2766	Gray	Vehicles: retirement and replacement.	Assembly - Transportation			MEDIUM	
AB 2772	Reyes	Alternative and Renewable Fuel and Vehicle Technology Program.	Assembly - Transportation	CalStart Bill		MEDIUM	
AB 2789	Kamlager	State Energy Resources Conservation and Development Commission: distributed energy resources: study.	Assembly - Utilities and Energy			LOW	PSPS Related
AB 2792	Quirk	Mobile fueling on-demand tank vehicles.	Assembly - Transportation Assembly - Natural Resources		Propose Oppose	HIGH	
AB 2824	Bonta	San Francisco-Oakland Bay Bridge: public transit: greenhouse gases.	Assembly - Pending Referral	Intent Bill		MEDIUM	
AB 2831	Flora	Greenhouse gas reduction: carbon sequestration.	Assembly - Pending Referral	Intent Bill		LOW	
AB 2832	Garcia, C.	Greenhouse gases: carbon neutrality.	Assembly - Natural Resources			LOW	
AB 2860	O'Donnell	California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program.	Assembly - Transportation			MEDIUM	
AB 2866	Garcia, Eduardo	Vehicle air pollution: Clean Fleet Program.	Assembly - Transportation			MEDIUM	
AB 2882	Chu	Hazardous emissions and substances: schoolsites: private and charter schools.	Assembly - Education		Support Sponsor	HIGH	
AB 2940	Quirk	Energy: hydrogen.	Assembly - Utilities and Energy			LOW	
AB 2954	Rivas, Robert	California Global Warming Solutions Act of 2006: climate goal: natural and working lands.	Assembly - Natural Resources			LOW	
AB 3021	Ting	School facilities: energy resilient schools: grant program.	Assembly - Education			LOW	
AB 3027	O'Donnell	California Global Warming Solutions Act of 2006: Low-Carbon Fuel Standard regulations.	Assembly - Natural Resources			LOW	
AB 3046	Mathis	The Energy, Environment, and Economy Council.	Assembly - Natural Resources			LOW	
AB 3100	Garcia, Eduardo	Self-generation incentive program.	Assembly - Pending Referral	Spot Bill		LOW	PSPS Related
AB 3109	Ting	State Air Resources Board: report.	Assembly - In Desk Process	Building Decarbonization		MEDIUM	
AB 3111	Gipson	Carl Moyer Memorial Air Quality Standards Attainment Program.	Assembly - Pending Referral	Spot Bill CNGVC		LOW	
AB 3128	Burke	Electricity: deenergization events: fuel cells.	Assembly - Pending Referral	Intent Bill		MEDIUM	PSPS Related
AB 3163	Salas	Biogas.	Assembly - Natural Resources			LOW	
AB 3211	Bauer-Kahan	Toxic air contaminants.	Assembly - Natural Resources Assembly - Transportation		Support Sponsor	HIGH	
AB 3217	Gloria	Greenhouse gases: crude oil emissions.	Assembly - Natural Resources		Propose Support	HIGH	
AB 3251	Bauer-Kahan	Electricity: resource adequacy requirements.	Assembly - Utilities and Energy			LOW	
AB 3256	Garcia, Eduardo	Climate risks: bond measure.	Assembly - Pending Referral			MEDIUM	
ACR 143	Quirk	Climate crisis.	Assembly - Natural Resources			LOW	
SB 43	Allen	Carbon intensity and pricing: retail products.	Assembly - Revenue and Taxation			LOW	
SB 45	Allen	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020.	Assembly - Pending Referral		Support	HIGH	
SB 59	Allen	California Transportation Commission: advisory committee: autonomous vehicle technology.	Assembly - Appropriations			LOW	
SB 69	Wiener	Ocean Resiliency Act of 2019.	Assembly - Appropriations			LOW	
SB 168	Wieckowski	Climate change: Chief Climate Resilience Officer.	Assembly - Appropriations			LOW	

BILL #	AUTHOR	SUBJECT	Last Status	Notes	Position	Priority (Low/Medium/High)	PSPS Related List
SB 278	Beall	Metropolitan Transportation Commission.	Assembly - Pending Referral	FASTER		MEDIUM	
SB 369	Hertzberg	Vehicle repair assistance program; safe parking program participants.	Assembly - Transportation			LOW	
SB 378	Wiener	Electrical corporations; deenergization events; procedures; allocation of costs; reports.	Assembly - Pending Referral			LOW	
SB 431	McGuire	Mobile telephony service base transceiver station towers; communications infrastructure; performance reliability standards.	Assembly - Communications and Conveyance			LOW	PSPS Related
SB 498	Hurtado	Trade Corridors Improvement Fund; grant program; short-line railroads.	Assembly - Transportation			LOW	
SB 515	Caballero	Public Utilities Commission; high hazard zone fuel; report.	Assembly - Appropriations			LOW	
SB 535	Moorlach	Greenhouse gases; wildfires and forest fires; air emissions.	Assembly - Appropriations			LOW	
SB 613	Stern	State agency greenhouse gas emission reduction report cards.	Assembly - Appropriations			LOW	
SB 629	McGuire	Air districts; hearing boards; notice requirements.	Assembly - Natural Resources			LOW	
SB 662	Archuleta	Green electrolytic hydrogen.	Assembly - Utilities and Energy			LOW	
SB 702	Hill	California Renewables Portfolio Standard Program; procurement.	Assembly - Pending Referral			LOW	
SB 801	Glazer McGuire	Electrical corporations; wildfire mitigation plans; deenergization; public safety protocol.	Senate - Energy, Utilities and Communications			MEDIUM	PSPS Related
SB 802	Glazer	Emergency backup generators; health facilities; permit operating condition exclusion.	Senate - Environmental Quality		Propose Oppose	HIGH	PSPS Related
SB 808	Mitchell	Budget Act of 2020.	Senate - Pending Referral			MEDIUM	
SB 858	Beall	Thermal powerplants; exemption; emergency backup and standby generators; data centers.	Senate - Energy, Utilities and Communications		Author Requested Support	MEDIUM	
SB 862	Dodd	Planned power outage; public safety.	Senate - Energy, Utilities and Communications			LOW	PSPS Related
SB 895	Archuleta	Energy; zero-emission fuel, infrastructure, and transportation technologies.	Senate - Energy, Utilities and Communications	Spot Bill		LOW	
SB 917	Wiener	California Consumer Energy and Conservation Financing Authority; eminent domain; Northern California Energy Utility District; Northern California Energy Utility Services.	Senate - Energy, Utilities and Communications			LOW	
SB 925	Glazer	Mobile telephony service base transceiver station towers; performance reliability standards.	Senate - Energy, Utilities and Communications			MEDIUM	PSPS Related
SB 964	Skinner	Chemicals; outdoor application; residential areas.	Senate - Rules	Spot Bill		MEDIUM	
SB 986	Allen	Coastal resources; new development; greenhouse gas emissions.	Senate - Natural Resources and Water			LOW	
SB 995	Atkins	Environmental quality; Jobs and Economic Improvement Through Environmental Leadership Act of 2011.	Senate - Environmental Quality			LOW	
SB 1020	Dahle	Income taxes; credits; generators.	Senate - Governance and Finance			LOW	PSPS Related
SB 1070	Leyva	Land use; general plans.	Senate - Rules			MEDIUM	
SB 1099	Dodd	Emergency backup generators; critical facilities; exemption.	Senate - Environmental Quality		Propose Oppose	HIGH	PSPS Related
SB 1113	Gonzalez, Lena	State Air Resources Board; report.	Senate - Rules	Spot Bill		LOW	
SB 1122	Skinner	Green electrolytic hydrogen.	Senate - Energy, Utilities and Communications		Author Requested Support	LOW	
SB 1164	Grove	Petroleum refineries; air monitoring systems.	Senate - Rules	Spot Bill		MEDIUM	
SB 1183	Hertzberg	Electric vehicle charging master plan.	Senate - Energy, Utilities and Communications			MEDIUM	
SB 1185	Moorlach	Natural gas powered generators; operation during deenergization events.	Senate - Environmental Quality		Propose Oppose	HIGH	PSPS Related

BILL #	AUTHOR	SUBJECT	Last Status	Notes	Position	Priority (Low/Medium/High)	PSPS Related List
SB 1195	Gonzalez, Lena	Vehicular air pollution: State Air Resources Board: regulations.	Senate - Rules	Spot Bill		MEDIUM	
SB 1207	Jackson	Skilled nursing facilities: backup power system.	Senate - Health			MEDIUM	PSPS Related
SB 1215	Stern	Electricity: microgrids: grant program.	Senate - Governmental Organization			LOW	PSPS Related
SB 1258	Stern	California Climate Technology and Infrastructure Financing Act.	Senate - Business, Professions and Economic Development			HIGH	
SB 1314	Dodd	Community Energy Resilience Act of 2020.	Senate - Natural Resources and Water	CCA		LOW	PSPS Related
SB 1320	Stern	Climate change: California Climate Change Assessment.	Senate - Natural Resources and Water			LOW	
SB 1321	Bradford	Transportation electrification: electric vehicles: grid integration.	Senate - Energy, Utilities and Communications			LOW	
SB 1323	Skinner	Carbon sequestration: state goals: natural and working lands: registry of projects.	Senate - Environmental Quality			LOW	
SB 1330	Umberg	Sales and Use Tax Law: zero emissions vehicle exemption.	Senate - Rules			LOW	
SB 1332	Allen	Solid waste: recycling and composting infrastructure.	Senate - Rules			LOW	
SB 1363	Allen	Regional transportation plans: sustainable communities strategies: greenhouse gas emissions and vehicle miles traveled reduction targets.	Senate - Environmental Quality			LOW	
SB 1415	Borgeas	Income taxes: credits: backup electricity generators.	Senate - Governance and Finance			LOW	PSPS Related
Total Bills	132					Low: 86 Medium: 30 High: 16	21