

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

**WHEREAS** beginning on July 8, 2021, a significant heat wave struck California, bringing widespread near-record temperatures well in excess of 100 degrees throughout the State (the "Extreme Heat Event"); and

**WHEREAS** as a result of this Extreme Heat Event, the National Weather Service issued an Excessive Heat Warning within the State; and

**WHEREAS** the Extreme Heat Event has and will continue to put significant demand and strain on California's energy grid; and

**WHEREAS** on July 8, 2021, the California Independent System Operator (CAISO) issued a Flex Alert, calling for voluntary electricity conservation from 4:00 PM to 9:00 PM on July 9, 2021 to mitigate impact to energy supplies during this Extreme Heat Event; and

**WHEREAS** the Bootleg Fire in Southern-Central Oregon is currently threatening the California Oregon Intertie, which delivers power from the Pacific Northwest into California, and has reduced electricity supply into California by almost 4,000 megawatts; and

**WHEREAS** the Extreme Heat Event is expected to last through at least July 12, 2021; and

**WHEREAS** it is necessary to take action to reduce the strain on the energy infrastructure and increase energy capacity during the Extreme Heat Event; and

**WHEREAS** it is critical that power plants in the State generate as much power as possible to satisfy the increased demand created by the Extreme Heat Event; and

**WHEREAS** under the provisions of Government Code section 8558, subd. (b), I find that conditions of extreme peril to the safety of persons and property exist due to the Extreme Heat Event throughout California; and

**WHEREAS** under the provisions of Government Code section 8625, subd. (c), I find that local authority is inadequate to cope with the magnitude and impacts of the Extreme Heat Event; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the Extreme Heat Event.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services

Act, and in particular, Government Code sections 8567, 8571, 8625, and 8627, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California.

**IT IS HEREBY ORDERED THAT:**

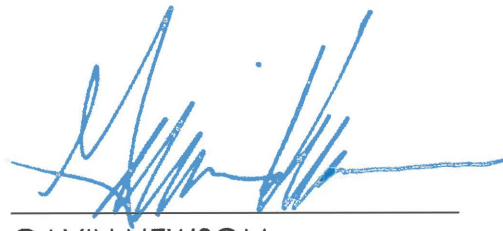
- 1) In preparing for and responding to the Extreme Heat Event, all agencies of state government use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of the Governor's Office of Emergency Services and the State Emergency Plan. Also, all residents are to obey the direction of emergency officials with regard to this emergency in order to protect their safety.
- 2) For purposes of regulations concerning stationary generators, use of stationary generators during the Extreme Heat Event shall be deemed an "emergency use" under California Code of Regulations (CCR), title 17, section 93115.4, subd. (a)(30)(A)(2).
- 3) For purposes of regulations concerning portable generators, the Extreme Heat Event shall be deemed an "emergency event" under CCR, title 17, section 93116.1, subd. (b)(14), and a loss of electrical service shall be deemed "beyond the reasonable control of the owner or operator" under CCR, title 17, section 93116.2, subd. (a)(12)(A)(2). In addition, the Extreme Heat Event shall be deemed an "emergency event" under CCR, title 13, section 2452, subd. (j), and interruptions caused by the Extreme Heat Event shall be deemed an "unforeseen interruption of electrical power from the serving utility" under CCR, title 13, section 2453, subd. (m)(4)(E)(1).
- 4) The Air Resources Board shall exercise maximum discretion to permit the use of stationary and portable generators or auxiliary ship engines to reduce the strain on the energy infrastructure and increase energy capacity during the Extreme Heat Event.
- 5) The provisions of Water Code section 13385, subd. (i)(1)(A) as they pertain to daily average and instantaneous temperature limitations in waste discharge requirements for thermal power plants are suspended for any thermal power plant that maintains operations to abate the effects of the Extreme Heat Event. Any exceedance of the daily average or instantaneous temperature limitations resulting from maintaining operations during this time shall not constitute a violation for purposes of calculating mandatory minimum penalties under Water Code section 13385, subd. (i).
- 6) Permitting requirements or conditions of certification adopted by the Energy Commission pursuant to Public Resources Code, sections 25216.5, subd. (a) and 25500 et seq., as well as related permitting requirements adopted by local air quality management districts, that restrict the amount of power that a facility may generate, restrict the amount of fuel that a facility may use, or impose air quality requirements that prevent the facility from generating additional power during peak demand

hours, from 3:00 p.m. to 10:00 p.m. or as otherwise needed to respond to the Extreme Heat Event, are suspended.

- 7) Any facility that operates in violation of permitting requirements or conditions of a certificate suspended by Paragraph 9 shall:
- (i) notify the relevant local air quality management district, the Energy Commission, and the Air Resources Board of its actions within 48 hours; and
  - (ii) report additional fuel use, additional hours of operation, and energy produced by that additional use and operation to the relevant local air quality management district, the Energy Commission, and the Air Resources Board within 30 days of this Order.
- 8) Any permit, regulation or law prohibiting, restricting or penalizing the use of stationary or portable generators or other conduct allowed by this Order during the Extreme Heat Event is suspended.
- 9) The provisions in Paragraphs 2-6 of this Order shall expire at 11:59 p.m. on July 13, 2021.

**I FURTHER DIRECT** that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 9th day of July 2021.



GAVIN NEWSOM  
Governor of California

**ATTEST:**

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SHIRLEY WEBER  
Secretary of State