

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS beginning on August 31, 2022, a significant heat wave is hitting California, bringing temperatures in excess of 100 degrees throughout the State and is forecast to bring record temperatures 10-20 degrees above normal throughout the State, exceeding 110 degrees in some areas (the "Extreme Heat Event"); and

WHEREAS as a result of the Extreme Heat Event, on August 30, 2022, the National Weather Service issued Excessive Heat Warnings and Excessive Heat Watches within the State in effect beginning on August 31, 2022, through September 6, 2022; and

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

WHEREAS the Extreme Heat Event is forecast to be a West-wide event, meaning that energy demand will be high across the region and California will have limited ability to import energy from out-of-state; and

WHEREAS on August 30, 2022, the California Independent System Operator (CAISO) issued a Heat Bulletin forecasting high electric demand during the Extreme Heat Event that will stress the energy grid, with peak load for electricity projected to reach its highest level of the year, exceeding 48,000 megawatts on September 5, 2022; and

WHEREAS on August 31, 2022, the CAISO issued a Flex Alert for August 31, 2022, from 4:00 p.m. to 9:00 p.m., and urged Californians to conserve electricity to avoid power disruptions; and

WHEREAS on August 31, 2022, the CAISO issued an Energy Emergency Alert Watch Notice for August 31, 2022, from 5:00 p.m. to 8:00 p.m., because it is forecasting an energy deficiency, with all available resources in use or forecasted to be in use; and

WHEREAS on August 31, 2022, the CAISO advised that it is forecasting supply deficiencies of over 3,000 megawatts during evening hours from September 4, 2022, through September 6, 2022; advised that further emergency alerts may follow; and advised that emergency interventions would allow energy customers to make contingency plans ahead of the Labor Day holiday weekend; 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 to take action immediately to respond to the Extreme Heat Event given its forecasted severity and duration; and

WHEREAS despite significant expansion of the State's renewable and zero-carbon energy generation and storage capacity, those gains slowed in 2022 because of supply chain disruptions and have been outpaced by increasing energy demands because of the climate crisis; 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, during emergency conditions, the CAISO, in its role as Reliability Coordinator, may issue an Energy Emergency Alert Level 2 or Energy Emergency Alert Level 3 for its balancing authority or other California balancing authorities as conditions warrant; 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 Proclamation 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 section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California due to the Extreme Heat Event.

IT IS HEREBY ORDERED THAT:

1. In preparing for and responding to the Extreme Heat Event, all agencies of state government utilize and employ state personnel, equipment, and facilities for the performance of 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. In preparing for and responding to the Extreme Heat Event, each political subdivision of the State shall render all possible assistance consistent with the Extreme Temperature Response Plan by, among other proactive actions, assessing the Extreme Heat Event in its respective jurisdiction, determine whether to open cooling centers, engage in public outreach on how to conserve energy, and how Californians within that jurisdiction can stay safe.
3. From August 31, 2022, through September 7, 2022, inclusive, 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).

4. 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 2:00 p.m. to 10:00 p.m. on August 31, 2022 through September 7, 2022, inclusive, or as otherwise needed to respond to the Extreme Heat Event, are suspended.
5. For purposes of regulations concerning stationary generators, use of stationary generators from 2:00 p.m. to 10:00 p.m. on any day on which the CAISO has declared an Energy Emergency Alert 2 or 3 condition shall be deemed an "emergency use" under California Code of Regulations (CCR), title 17, section 93115.4, subd. (a)(30)(A)(2).
6. For purposes of regulations concerning portable generators, the period from 2:00 p.m. to 10:00 p.m. on any day on which the CAISO has declared an Energy Emergency Alert 2 or 3 condition 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 period from 2:00 p.m. to 10:00 p.m. on any day on which the CAISO has declared an Energy Emergency Alert 2 or 3 condition, 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).
7. In regulations concerning the use of auxiliary engines by oceangoing vessels berthed in California ports, any day on which the CAISO has declared an Energy Emergency Alert 2 or 3 condition shall be deemed an "emergency event" under CCR, title 17, section 93118.3, subd. (c)(14) as it pertains to ocean-going vessels equipped to operate on shore power.
8. A declaration by the CAISO of an Energy Emergency Alert 2 or 3 condition shall be deemed to provide notice to reduce use of grid-based electrical power under CCR, title 17, section 93118.3, subd. (c)(14)(C), and notice under that same section that reduction is no longer necessary at 11:59 p.m. on the third full day after such an Alert condition ends. Ocean-going vessels that

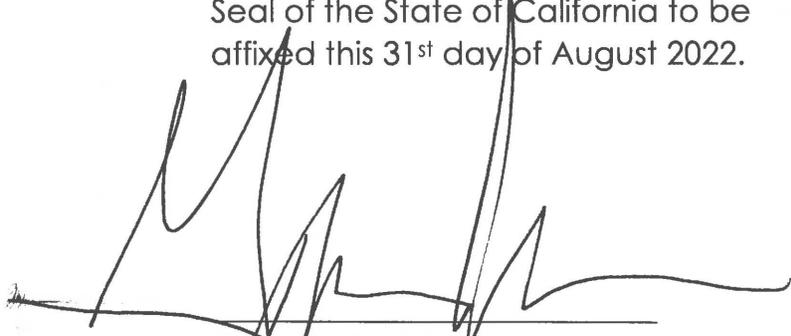
are berthed at California ports on any day on which the CAISO has declared an Energy Emergency Alert 2 or 3 condition shall not be required to use shore power until after 11:59 pm on the third full day following the termination of that Alert condition.

9. An ocean-going vessel operating on auxiliary engines pursuant to an "emergency event" under Paragraph 7 of this Proclamation shall be deemed to qualify for an exemption under CCR, title 17, section 93118.3, subd. (d)(1)(E)(1)(a), and any visit occurring during the period described in Paragraph 8 of this Proclamation shall be counted towards compliance under CCR, title 17, section 93118.3, subd. (d)(1)(F)(1).
10. Any permit, regulation or law prohibiting, restricting or penalizing the use of stationary or portable generators or other conduct allowed by this Proclamation, during the time periods allowed under other paragraphs of this Proclamation, is suspended.
11. Any facility that operates in violation of permitting requirements or conditions of a certificate suspended by Paragraph 4 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 Proclamation.
12. To help address any exceedances in emissions permitted under federal law and other federal obligations that result from acts taken under this Proclamation, and to avoid jeopardizing public health or safety as a result of those acts, the Air Resources Board shall implement its State-funded Climate Heat Impact Response Program (CHIRP) to mitigate emissions from any operation pursuant to this Proclamation. The Energy Commission is directed, and the Public Utilities Commission is requested, to provide information requested by the Air Resources Board to assist with its implementation of this paragraph. To the extent it would otherwise apply to actions under this Paragraph, Chapter 3.5 (commencing with section 11340) of Part I of Division 3 of Title 2 of the Government Code, is suspended.
13. The provisions in Paragraphs 3-10 of this Proclamation shall expire at 11:59 p.m. on September 7, 2022, with the exception that, as provided in Paragraph 8, ocean-going vessels that are berthed at California ports on any day on which the CAISO has declared an Energy Emergency Alert 2 or 3 condition shall not be required to use shore power until after 11:59 pm on the third full day following the termination of that Alert condition, up to 11:59 pm on September 10, 2022.

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.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 31st day of August 2022.

A handwritten signature in black ink, appearing to read 'Gavin Newsom', written over a horizontal line.

GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH.D.
Secretary of State