

APPENDIX G

EXECUTIVE ORDERS

California Governor's Executive Order D-24-01

California Governor's Executive Order D-28-01

SCAQMD Rule 118 Executive Order #01-03

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Exec Order

EXECUTIVE DEPARTMENT

STATE OF CALIFORNIA



EXECUTIVE ORDER D-24-01 by the Governor of the State of California

WHEREAS, on January 17, 2001, I proclaimed a State of Emergency to exist due to the energy shortage in the State of California; and

WHEREAS, there is a high probability that the electricity supply shortage will continue to cause rolling blackouts throughout California affecting millions of Californians; and

WHEREAS, all reasonable conservation, allocation, and service restriction measures will not alleviate this energy supply emergency; and

WHEREAS, the energy supply emergency poses a threat to public health, safety, and welfare;

NOW, THEREFORE, I, GRAY DAVIS, Governor of the State of California, by the virtue of the power and authority vested in me by the Constitution and statutes of the State of California, do hereby issue this order to become effective immediately:

IT IS ORDERED that the local air pollution control and air quality management districts (hereinafter "districts") shall modify emissions limits that limit the hours of operation in air quality permits as necessary to ensure that power generation facilities that provide power under contract to the Department of Water Resources are not restricted in their ability to operate. The districts shall require a mitigation fee for all applicable emissions in excess of the previous limits in the air quality permits. The Board is directed to ensure that appropriate modifications are made in all applicable permits of the districts or other local or regional agencies (hereinafter "agencies"). In the event that such modifications do not occur expeditiously, the Board or the Executive Officer shall immediately exercise the powers of the districts or agencies and modify the permits consistent with this order. In exercising the powers of the districts or agencies, the Board or the Executive Officer shall not be required to comply with the provisions of the Administrative Procedure Act, or with the normally required notice and hearing procedures specified in Division 26 of the Health and Safety Code.

IT IS FURTHER ORDERED that the Board shall establish an emissions reduction credit bank using emissions reductions from all available sources. Such credits shall be made available through the Board to powerplant peaking sources that need emissions offsets in order to add new or expanded peaking capacity for the summer peak season in 2001. Such credits shall be provided to such facilities at up to the market rate for emissions reduction credits. In the case of a powerplant that agrees to sell its power under contract to the Department of Water Resources, the State of California will make available where necessary and available the required emissions credits at up to a 50 percent reduction. In order to maximize the amount of electrical generating capacity that can be created with available funding, emissions reduction credits for new generation capacity shall be made available to facilities where necessary and available. Proceeds from the sales of these emissions reduction credits shall be made available to fund emissions reduction programs in the air district where the new or expanded facility is located.

IT IS FURTHER ORDERED that the Board shall make its remaining appropriated funds immediately available for the purchase of emissions offset credits for its emissions reduction credit bank or that of any district.

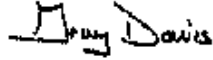
IT IS FURTHER ORDERED that the Board may contract for the services of necessary qualified personnel to perform these functions. Each is authorized to enter into such contracts as expeditiously as possible and for this purpose shall be exempt from the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, to the extent that they would prevent, hinder, or delay the prompt mitigation of the effects of this emergency.

IT IS FURTHER ORDERED that this order shall expire on December 31, 2001, unless extended by further executive order responding to the continued need for emergency action to deal with the electricity emergency or unless terminated by proclamation of the Governor or concurrent resolution of the Legislature that the state of emergency has ended.

The activities herein are authorized to be carried out pursuant to the Emergency Services Act, Government Code Sections 8550 et seq.

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

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this the eighth day of February 2001.



Governor of California

ATTEST:



Secretary of State



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Exec Order

EXECUTIVE DEPARTMENT

STATE OF CALIFORNIA



EXECUTIVE ORDER D-28-01 by the Governor of the State of California

WHEREAS, on January 17, 2001, I proclaimed a State of Emergency to exist due to the energy shortage in the State of California; and

WHEREAS, there is a high probability that the electricity supply shortage will continue to cause rolling blackouts throughout California affecting millions of Californians; and

WHEREAS, all reasonable conservation, allocation, and service restriction measures will not alleviate this energy supply emergency; and

WHEREAS, this energy supply emergency poses a threat to public health, safety, and welfare and requires the siting of new powerplants, increasing the output from operating powerplants, and bringing powerplants that are not currently in operation back on-line to ensure reliability of the grid and delivery of power in the State;

NOW, THEREFORE, I, **GRAY DAVIS**, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and statutes of the State of California, do hereby issue this order to become effective immediately:

IT IS ORDERED that the California Energy Resources Conservation and Development Commission (hereinafter "Energy Commission") and all other reviewing agencies shall have the authority to modify their procedural requirements, including the timelines for notices and hearings in the Warren-Alquist Act and implementing regulations and other applicable statutes and regulations for projects covered by Executive Orders D-22-01, D-24-01, D-25-01, and D-26-01. Procedures established by the Energy Commission and other reviewing agencies for state energy projects in accordance with these orders are exempt from the Administrative Procedure Act (Chapters 3.5, 4.5, and 5 of the California Government Code).

IT IS FURTHER ORDERED that all agencies involved in the expeditious implementation of Executive Orders D-22-01, D-24-01, D-25-01, and D-26-01 shall follow substantive requirements designed to achieve environmental protection and the protection of public health and safety to the maximum extent consistent with the prompt execution of those executive orders.

IT IS FURTHER ORDERED that the Energy Commission, in addition to expediting the processing of Applications for Certification for peaking or renewable powerplants pursuant to Public Resources Code section 25705 and Executive Order D-26-01, shall expedite the processing of Applications for Certification for peaking or renewable powerplants for construction and operation by September 30, 2001. Peaking or renewable powerplants that have a current contract with the Independent System Operator and can be on-line by September 30, 2001, may also apply to be permitted by the Energy Commission under the emergency siting process. All proposals processed pursuant to Public Resources Code section 25705 and Executive Order D-26-01 or this order shall be considered emergency projects under Public Resources Code section 24000(b)(4).

IT IS FURTHER ORDERED that the authority provided to local air pollution control and air quality management districts (hereinafter "districts") and the Air Resources Board in the first ordering paragraph of Executive Order D-24-01 shall also apply to any power generating facility, including any previously permitted existing power generating facility that is not currently operating, as necessary to ensure reliability of the grid and delivery of power in the State. No permit modification (or reinstatement and modification) under Executive Order D-24-01 or this Order shall be valid for a period of more than 3 years from the date of this Order. The authority to modify permits for the purposes identified above shall also include the authority to modify other applicable conditions for those purposes. In exercising the powers to modify (or reinstate and modify) permits and other applicable conditions, districts shall not be required to comply with the notice

and hearing requirements of Division 26 of the Health and Safety Code.

IT IS FURTHER ORDERED that this order shall expire on December 31, 2001 unless extended by further executive order responding to the continued need for emergency action to deal with the electricity emergency or unless terminated by proclamation of the Governor or concurrent resolution of the Legislature that the state of emergency has ended.

The activities herein are authorized to be carried out pursuant to the Emergency Services Act, Government Code Sections 8650 et seq.

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

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this the seventh day of March 2001.



Governor of California

ATTEST:



Secretary of State



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**South Coast Air Quality Management District
Rule 118 Executive Order #01-03**

(Supercedes Order #01-02, dated February 6, 2001)

Extended to April 1, 2001

WHEREAS, District Rule 118 authorizes the Executive Officer to suspend all or part of any District rule for emergency activities in up to 10-day increments during a state of emergency declared by the Governor; and

WHEREAS, on January 17, 2001, the Governor proclaimed a State of Emergency resulting from the imminent threat of widespread and prolonged disruption of electrical power; and

WHEREAS, the Governor's proclamation declared that a condition of extreme peril to the safety of persons and property within the state exists by virtue of the threat of disruption of electrical power, particularly disruption of power to emergency services, law enforcement, schools, and hospitals; and

WHEREAS, continued availability of electric power from facilities in the South Coast Air Quality Management District is necessary to assure adequate power supplies to protect the safety of persons and property within the State of California; and

WHEREAS, certain power-producing facilities within the District are subject to Regulation XX, the Regional Clean Air Incentives Market (RECLAIM), which imposes quarterly and annual caps on NO_x emissions; and

WHEREAS, certain RECLAIM-power producing facilities may not be able to maintain ongoing compliance with RECLAIM caps if they continue to provide power as requested by the California Independent Systems Operator or the State of California; and

WHEREAS, NO_x emissions in excess of those provided for under the RECLAIM program can result in significant amounts of excess air pollution that adversely affects public health; and

WHEREAS, in order to protect public health from the adverse effects of air pollution resulting from operation of power facilities and to mitigate such emissions, it is necessary to impose reasonable conditions on such operations; and

WHEREAS, under the provisions of Rule 118(d)(1), I hereby determine and declare that

strict compliance with District Rule 2004 for RECLAIM-power producing facilities with a capacity to produce 50 MW or more would delay or prevent critical actions necessary for emergency power generation;

NOW, THEREFORE, pursuant to the authority vested in me pursuant to District Rule 118 (d)(1), I hereby suspend District Rule 2004(b)(1), 2004(b)(4) and 2004(d)(1) only to the extent that emissions occurring during the period this Order is in effect shall not be counted toward quarterly or annual compliance required to be reconciled with RTCs (RECLAIM trading credits) for RECLAIM-power producing facilities having the capacity to produce 50 MW or more, provided that:

1. The facility has used all RTCs held by the facility or any entity under common ownership or control prior to January 12, 2001, and has not sold any such RTCs to any entity other than a RECLAIM-power producing facility under common ownership or control;
2. The facility operator pays to the South Coast Air Quality Management District a mitigation fee of \$7.50 per pound of NOx emissions in excess of those emissions accounted for by RTCs referred to in condition #1; such payment to be made together with the quarterly or annual report required by Rule 2004; and, District staff shall deposit such funds in an account to be used only for purposes of mitigation of such emissions;
3. Any NOx emissions not accounted for by the RTCs referred to in condition #1 are deducted from the facility's allocations for the subsequent compliance year 2003;
4. All facilities owned by the facility owner or persons under common control shall be operated on the basis of "environmental dispatch" pursuant to any existing agreement with the South Coast Air Quality Management District;
5. The facility owner or operator continues to comply with any schedule for the installation of air pollution control equipment at all its facilities contained in any existing settlement agreement or abatement order with the South Coast Air Quality Management District;
6. The facility operates units not equipped with best available control technology or best available retrofit control technology only upon the request of the California Independent Systems Operator or the State of California;
7. The facility sells power generated when it is subject to the provisions of this order only within the State of California;
8. The facility maintains records demonstrating compliance with the terms of this Order and submits such records to the Executive Officer upon request; and
9. The facility agrees to provide the District with written notification 24 hours prior to generating excess emissions subject to the application of this Order.

This Order expires on February 16, 2001, at noon, or when the State of Emergency declared by the Governor on January 17, 2001, ceases to exist, whichever is earlier.

Executed at Diamond Bar, California, on February 8, 2001.

Barry R. Wallerstein, D.Env.

Executive Officer

WHEREAS, I hereby determine that the conditions requiring suspension of the rules and conditions referenced in this order (Executive Order #01-03 dated February 8, 2001) continue to exist, and that the limitations upon operation imposed in this order continue to exist;

IT IS ORDERED that the prohibition of sale in condition #1 shall not apply to sale of RTCs expiring December 31, 2000.

IT IS FURTHER ORDERED that this Order is extended until March 12, 2001, or whenever the State of Emergency declared by the Governor on January 17, 2001, ceases to exist, whichever is earlier.

Executed at Diamond Bar, California, on February 23, 2001.

Barry R. Wallerstein, D.Env.

Executive Officer

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