

ORIGINAL

SOUTH COAST AQMD
CLERK OF THE BOARD

PETITION FOR VARIANCE
BEFORE THE HEARING BOARD OF THE
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

JV
3/14/24
RV
4/23/24

2024 FEB 13 PM 3:25

PETITIONER: COUNTY OF SAN BERNARDINO – FLEET MANAGEMENT CASE NO: 6070-12

FACILITY ID: 72512

FACILITY ADDRESS: Bertha Peak
[location of equipment/site of violation; specify business/corporate address, if different, under Item 2, below]

City, State, Zip: Big Bear, CA 92315

1. TYPE OF VARIANCE REQUESTED (more than one box may be checked; see Attachment A, Item 1, before selecting)

INTERIM SHORT REGULAR EMERGENCY EX PARTE EMERGENCY

2. CONTACT: Name, title, company (if different than Petitioner), address, and phone number of persons authorized to receive notices regarding this Petition (no more than two authorized persons).

Lauren Finwall

Regulatory Environmental Specialist

210 N. Lena Rd.

San Bernardino, CA Zip 92415

(909) 601-4374 Ext.

Fax ()

E-mail lauren.finwall@ftm.sbcounty.gov

3. RECLAIM Permit Yes No Title V Permit Yes No

Persons with disabilities may request this document in an alternative format by contacting the Clerk of the Board at 909-396-2500 or by e-mail at clerkofboard@aqmd.gov.

If you require disability-related accommodations to facilitate participating in the hearing, contact the Clerk of the Board at least five (5) calendar days prior to the hearing.

[ALL DOCUMENTS FILED WITH CLERK'S OFFICE BECOME PUBLIC RECORD]

ORIGINAL

4. **GOOD CAUSE:** Explain why your petition was not filed in sufficient time to issue the required public notice. (Required only for Emergency and Interim Variances; see Attachment A, Item 4)

Due to a loss of power from Big Bear Electric, Fleet's emergency generator has been powered on several days throughout 2024. Since Fleet is at the will of the power companies, Fleet does not know when the current power outage will end due to the State of Emergency Atmospheric River. Due to 200 hours only amounting to approximately 8.5 days, Fleet was instructed by the Hearing Boards of past to submit a Variance once the generator hits 180 hours.

5. Briefly describe the type of business and processes at your facility.

This generator is an emergency generator that provides power to an 800 MHz communication tower when Bear Valley Electric power supply is interrupted. This radio tower is crucial to very important and potentially life-saving communication to all first responders in the Big Bear area and the 800 MHZ microwave communication loop.

6. List the equipment and/or activity(s) that are the subject of this petition (see Attachment A, Item 6, Example #1). **Attach copies of the Permit(s) to Construct and/or Permit(s) to Operate for the subject equipment. For RECLAIM or Title V facilities, attach *only* the relevant sections of the Facility Permit showing the equipment or process and conditions that are subject to this petition. You must bring the entire Facility Permit to the hearing.**

Equipment/Activity	Application/Permit No.	RECLAIM Device No.	Date Application/Plan Denied (if relevant)*
Emergency (ICE) engine inside of a generator	F96434	nc	

*Attach copy of denial letter

7. Briefly describe the activity or equipment, and why it is necessary to the operation of your business. A schematic or diagram may be attached, in addition to the descriptive text.

This emergency generator is only required to be in use when Bear Valley Electric power supply to the 800 MHz Radio tower has been shut down for any reason. Since this radio tower is required for crucial communication, it is mandatory that it stay in operation 24/7/365.

8. Is there a regular maintenance and/or inspection schedule for this equipment? Yes No

If yes, how often: once a month Date of last maintenance and/or inspection: 12.28.23

Describe the maintenance and/or inspection that was performed.

A PM INSPECTION SERVICE
 START - 861.1
 END - 861.6

TEST - .5

FUEL - 75%, 45%

POWER OUTAGE -

All points as inspected as they apply to each particular equipment

Checked oil level

Checked for oil leakage.

Checked coolant level and coolant hoses.

Checked block heater for leaks, electrical wiring and operation.

Checked engine temperature prior to starting.

Checked engine hubs, pulleys, belts and fan blades.

Checked water pump for looseness, leakage or seepage.

Checked radiator cap and radiator airflow path.

Checked governor, governor linkage and lubed (if equipped)

Checked fuel level on all tanks.

Inspected all valves and connections for signs of active fuel leaks.

Inspected all fuel shut-off valves and fuel lines for both wiring and connections

Inspected engine and generator mounting.

Disconnected battery charger power to test battery systems

Checked battery and state of charge.

Cleaned and filled battery, cleaned battery cable and posts, as required.

Checked air intake system. Inspected for dirt entry

Checked exhaust system, for leaks and signs of restriction.

Checked DC alternator output and starter draw.

Checked wiring inside control panel and to all sensors.

Clean all debris under generator, or in control panel and remove nests as required.

Checked shutters, shutter control relays, temperature controls and exhaust fans.

Checked AC alternator voltage and Hz

9. List all District rules, and/or permit conditions [indicating the specific section(s) and subsection(s)] from which you are seeking variance relief (if requesting variance from Rule 401 or permit condition, see Attachment A). Briefly explain how you are or will be in violation of each rule or condition (see Attachment A, Item 9, Example #2).

Rule	Explanation
203 (b)	The equipment will run contrary to the permit conditions
Permit Condition 5	Engine will run over the 200 Emergency Hours

10. Are the equipment or activities subject to this request currently under variance coverage? Yes No

Case No.	Date of Action	Final Compliance Date	Explanation

11. Are any other equipment or activities at this location currently (or within the last six months) under variance coverage? Yes No

Case No.	Date of Action	Final Compliance Date	Explanation

12. Were you issued any Notice(s) of Violation or Notice(s) to Comply concerning this equipment or activity within the past year? Yes No
If yes, you must attach a copy of each notice.

13. Have you received any complaints from the public regarding the operation of the subject equipment or activity within the last six months? Yes No
If yes, you should be prepared to present details at the hearing.

14. Explain why it is beyond your reasonable control to comply with the rule(s) and/or permit condition(s). Provide specific event(s) and date(s) of occurrence(s), if applicable.

Due to heavy snow and rain fall, the storm caused a downed power line connecting the Bear Valley Electric power source to the 800 MHz Radio Tower. The emergency generator responded to the lack of power by turning itself on. Due to the conditions in the area, the County nor Bear Valley Electric have been able to confirm the damage in person. Sherriff's Department flew over the powerline and saw some damage, but due to weather conditions the mission was inconclusive. Once roads are cleared and safe to drive, the County and Bear Valley Electric will confirm when the power line will be fixed.

15. When and how did you first become aware that you would not be in compliance with the rule(s) and/or permit condition(s)? Provide specific event(s) and date(s) of occurrence(s).

While the San Bernardino County is not yet out of compliance, we are aware that by Tuesday, February 13th we will be past our permit conditions of 200 emergency hours. The County & Bear Valley Electric are waiting until roads are cleared and conditions permit the to see the damage and properly assess what needs to be fixed and when it can be fixed.

16. List date(s) and action(s) you have taken since that time to achieve compliance.

- Tuesday, 2.6.24 - Lost Commercial Power at 6:16 AM. Generator had 0 hours of runtime for this calendar year at this time.
- Friday, 2.9.24 – Generator Team went up to fuel & service generator before weekend storm
- Tuesday, 2.13.24 - San Bernardino County is waiting for safe conditions before assessing the damage to go up and give a proper timeline of when the line will be fixed. Current hours are at 177.4 as of 2:45 pm

17. What would be the harm to your business during **and/or after** the period of the variance if the variance were not granted?

Economic losses: \$ 0

Number of employees laid off (if any): 0

Provide detailed information regarding economic losses, if any, (anticipated business closure, breach of contracts, hardship on customers, layoffs, and/or similar impacts).

No economic loss, but emergency communication loss.

18. Can you curtail or terminate operations in lieu of, or in addition to, obtaining a variance? Please explain.

We cannot curtail or terminate operation. As stated above, this radio tower is used for critical first responder communication.

19. Estimate excess emissions, if any, on a daily basis, including, if applicable, excess opacity (the percentage of total opacity above 20% during the variance period). If the variance will result in no excess emissions, insert "N/A" here and skip to No. 20.

Pollutant	(A)	(B)	(C)*
	Total Estimated Excess Emissions (lbs/day)	Reduction Due to Mitigation (lbs/day)	Net Emissions After Mitigation (lbs/day)

* Column A minus Column B = Column C

Excess Opacity: %

20. Show calculations used to estimate quantities in No. 19, or explain why there will be no excess emissions.

The excess emissions cannot be calculated since we do not know how much the engine will run in excess past the 200 hours.

21. Explain how you plan to reduce (mitigate) excess emissions during the variance period to the maximum extent feasible, or why reductions are not feasible.

Restore commercial power to the 800 MHz Radio Tower site as soon as practical. The generator will only run when commercial power is out.

22. How do you plan to monitor or quantify emission levels from the equipment or activity(s) during the variance period, and to make such records available to the District? **Any proposed monitoring does not relieve RECLAIM facilities from applicable missing data requirements.**

San Bernardino County – Fleet Management has a GPS tracker on the generator that tells us when the generator starts and when it stops. We also maintenance the generator once a month. So we will keep a log of the generator on site as well as tracking these through maintenance checks and the GPS tracker.

23. How do you intend to achieve compliance with the rule(s) and/or permit condition(s)? Include a detailed description of any equipment to be installed, modifications or process changes to be made, permit conditions to be amended, etc., dates by which the actions will be completed, and an estimate of total costs.

We will be back in compliance at the top of 2025 when the new year starts. As stated above, we will make sure that the emergency generator is running when only necessary.

24. State the date you are requesting the variance to begin: 2.13.24; and the date by which you expect to achieve final compliance: 12.31.24.

If the regular variance is to extend beyond one year, you **must** include a **Schedule of Increments of Progress**, specifying dates or time increments for steps needed to achieve compliance. See District Rule 102 for definition of Increments of Progress (see Attachment A, Item 24, Example #3).

List Increments of Progress here

25. List the names of any District personnel with whom facility representatives have had contact concerning this variance petition or any related Notice of Violation or Notice to Comply.

Ext. _____

Ext. _____

If the petition was completed by someone other than the petitioner, please provide their name and title below.

Name Company Title

The undersigned, under penalty of perjury, states that the above petition, including attachments and the items therein set forth, is true and correct.

Executed on February 13, 2024, at San Bernardino, California

Lauren Doucette
Signature

Lauren Doucette
Print Name

Title: Regulatory Environmental Specialist



SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
21865 Copley Drive, Diamond Bar, CA 91765

Permit No.
F96434
A/N_480686
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PERMIT TO CONSTRUCT/OPERATE

*This initial permit must be renewed ANNUALLY unless the equipment is moved, or changes ownership.
If the billing for annual renewal fee (Rule 301 f) is not received by the expiration date, contact the District*

Legal Owner
or Operator:

SAN BERN. CO, OFF OF MGMT SERV(COMM DI
210 N LENA RD FACILITIES MANAGEMENT DEI
SAN BERNARDINO, CA 92415-0055

ID72512

Equipment Location: BERTHA PEAK/ N OF BIG BEAR , BIG BEAR, CA 92315

Equipment Description:

INTERNAL COMBUSTION ENGINE, GENERAC, 10 CYLINDER, NATURALLY ASPIRATED, MODEL 6.8DFN-70, 107 BHP, NATURAL GAS/LPG FUELED, DRIVING AN EMERGENCY ELECTRICAL GENERATOR.

Conditions:

- 1) OPERATION OF THIS EQUIPMENT SHALL BE CONDUCTED IN ACCORDANCE WITH ALL DATA AND SPECIFICATIONS SUBMITTED WITH THIS APPLICATION UNDER WHICH A PERMIT IS ISSUED UNLESS OTHERWISE NOTED BELOW.
- 2) THIS EQUIPMENT SHALL BE PROPERLY MAINTAINED AND KEPT IN GOOD OPERATING CONDITION AT ALL TIMES.
- 3) A NON-RESETTABLE TOTALIZING TIMER SHALL BE INSTALLED AND MAINTAINED TO INDICATED THE ENGINE ELAPSED OPERATING TIME.
- 4) AN ENGINE OPERATING LOG SHALL BE KEPT AND MAINTAINED ON FILE TO RECORD WHEN THIS ENGINE IS STARTED MANUALLY. THE LOG SHALL LIST THE DATE OF OPERATION, THE TIMER READING IN HOURS AT THE BEGINNING AND END OF OPERATION, AND THE REASON FOR OPERATION FOR A MINIMUM OF THREE YEARS FROM THE DATE OF ENTRY AND MADE AVAILABLE TO DISTRICT PERSONNEL UPON REQUEST. THE TOTAL HOURS OF OPERATION (INCLUDING HOURS FOR MANUAL AND AUTOMATIC OPERATION) SHALL BE RECORDED SOMETIME DURING THE FIRST 15 DAYS OF JANUARY OF EACH YEAR.
- 5) THIS ENGINE SHALL NOT OPERATE MORE THAN 200 HOURS IN ANY ONE YEAR, WHICH INCLUDES NO MORE THAN 50 HOURS IN ANY ONE YEAR FOR MAINTENANCE AND TESTING PURPOSES.
- 6) THE OPERATOR SHALL NOT PURCHASE ANY DIESEL FUEL UNLESS THE FUEL IS LOW SULFUR DIESEL FOR WHICH THE SULFUR CONTENT DOES NOT EXCEED 15 PPM BY WEIGHT. AS OF JANUARY 1, 2006, THE OPERATOR SHALL ONLY USE DIESEL FUEL WITH SULFUR CONTENT THAT DOES NOT EXCEED 15 PPM BY WEIGHT, UNLESS THE OPERATOR DEMONSTRATES IN WRITING TO THE EXECUTIVE OFFICER THAT SPECIFIC ADDITIONAL TIME IS NECESSARY. (THIS CONDITION DOES NOT APPLY TO NATURAL GAS OR LPG FUELED ENGINES).

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SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
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PERMIT TO CONSTRUCT/OPERATE

CONTINUATION OF PERMIT TO CONSTRUCT/OPERATE

- 7) OPERATION BEYOND THE 50 HOURS PER YEAR ALLOTTED FOR ENGINE MAINTENANCE AND TESTING SHALL BE ALLOWED ONLY IN THE EVENT OF A LOSS OF GRID POWER OR UP TO 30 MINUTES PRIOR TO A ROTATING OUTAGE, PROVIDED THAT: (A) THE UTILITY DISTRIBUTION COMPANY HAS ORDERED ROTATING OUTAGES IN THE CONTROL AREA WHERE THE ENGINE IS LOCATED OR HAS INDICATED THAT IT EXPECTS TO ISSUE SUCH AN ORDER AT A CERTAIN TIME; AND (B) THE ENGINE IS LOCATED IN A UTILITY SERVICE BLOCK THAT IS SUBJECT TO THE ROTATING OUTAGE. ENGINE OPERATION SHALL BE TERMINATED IMMEDIATELY AFTER THE UTILITY DISTRIBUTION COMPANY ADVISES THAT A ROTATING OUTAGE IS NO LONGER IMMINENT OR IN EFFECT.
- 8) THIS ENGINE SHALL NOT BE OPERATED WITHOUT THE USE OF AN AUTOMATIC AIR TO FUEL RATIO CONTROLLER WHICH SHALL BE MAINTAINED AND KEPT IN PROPER OPERATING CONDITIONS AT ALL TIMES AS SPECIFIED BY THE MANUFACTURER.
- 9) THE CATALYTIC CONVERTER TEMPERATURE AND EXHAUST OXYGEN CONCENTRATION SHALL BE MAINTAINED WITHIN THE EFFECTIVE RANGE OF THE CATALYTIC CONVERTER AS SPECIFIED BY THE MANUFACTURER.

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SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
21865 Copley Drive, Diamond Bar, CA 91765

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PERMIT TO CONSTRUCT/OPERATE

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CONTINUATION OF PERMIT TO CONSTRUCT/OPERATE

NOTICE

IN ACCORDANCE WITH RULE 206, THIS PERMIT TO OPERATE OR COPY SHALL BE POSTED ON OR WITHIN 8 METERS OF THE EQUIPMENT.

THIS PERMIT DOES NOT AUTHORIZE THE EMISSION OF AIR CONTAMINANTS IN EXCESS OF THOSE ALLOWED BY DIVISION 26 OF THE HEALTH AND SAFETY CODE OF THE STATE OF CALIFORNIA OR THE RULES OF THE AIR QUALITY MANAGEMENT DISTRICT. THIS PERMIT CANNOT BE CONSIDERED AS PERMISSION TO VIOLATE EXISTING LAWS, ORDINANCES, REGULATIONS OR STATUTES OF OTHER GOVERNMENT AGENCIES.

EXECUTIVE OFFICER

by Doris M. Bailey/WC01

04/15/2008

FILE COPY

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS in early February 2024 a powerful, slow moving, atmospheric river ("early February 2024 storms") struck California beginning February 3, 2024, and is expected to continue for several days threatening life and safety, public and private property and structures, and other critical infrastructure; and

WHEREAS the National Weather Service has issued multiple Winter Storm Warnings, High Wind Warnings, Wind Advisories, and Flood and Flash Flood Watches throughout the State in anticipation of the potential impacts from the early February 2024 storms, which include dangerous and life-threatening flooding and debris flows, heavy snow, and damaging wind causing property damage and power outages; and

WHEREAS the National Weather Service has also issued high surf advisories impacting coastal communities throughout California, forecasting large breaking waves and dangerous rip currents; and

WHEREAS the numerous wildfires over the last several years throughout southern California counties have caused massive burn scars, exacerbating the potential for precipitation to cause mud and debris flows; and

WHEREAS repositioning of assets has taken place throughout the State, including the placement of swift water rescue teams, high water vehicles, and equipment for the clearing of debris; and

WHEREAS under the provisions of Government Code section 8558(b), I find that conditions of extreme peril to the safety of persons and property exist due to the early February 2024 storms in Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura Counties; and

WHEREAS under the provisions of Government Code section 8558(b), I find that the conditions caused by the early February 2024 storms, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the magnitude of the anticipated impacts caused by the early February 2024 storms; 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 the mitigation of the effects of the early February 2024 storms.

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 Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura Counties.

IT IS HEREBY ORDERED THAT:

1. All agencies of the state government shall utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the 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. The Office of Emergency Services shall provide assistance to local governments, if appropriate, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
3. As necessary to assist local governments and for the protection of public health and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services necessary to quickly assist with the response to and recovery from the impacts of the early February 2024 storms. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of the early February 2024 storms.
4. Any fairgrounds the Office of Emergency Services determines suitable to assist individuals impacted by the early February 2024 storms shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and may immediately utilize the fairgrounds without the fairground board of directors' approval.
5. The California National Guard may be mobilized under Military and Veterans Code section 146 to support disaster response and relief efforts, as directed by the Office of Emergency Services, and to coordinate with all relevant state agencies and state and local emergency responders and law enforcement within the impacted areas. Sections 147 and 188 of the Military and Veterans Code are applicable during the period of participation in this mission, exempting the California Military Department from applicable procurement rules for specified emergency purchases, and those rules are hereby suspended.
6. Any state-owned properties the Office of Emergency Services determines are suitable to address the impacts of the early February 2024 storms shall be made available to the Office of Emergency Services for this purpose in accordance with Government Code section 8570.

7. The provisions of Unemployment Insurance Code section 1253 imposing a one-week waiting period for unemployment insurance applicants are suspended as to all applicants who are unemployed as a direct result of the early February 2024 storms and apply for unemployment insurance benefits during the time period beginning February 4, 2024, and ending on the close of business on August 5, 2024, in Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura Counties and who are otherwise eligible for unemployment insurance benefits.
8. Vehicle Code sections 9265(a), 9867, 14901, 14902, and 15255.2, requiring the imposition of fees, are suspended with regard to any request for replacement of an identification card, driver's license card, vehicle registration certificate, or certificate of title, or registration stickers, by any individual who lost such records as a result of the early February 2024 storms in Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura Counties. Such records shall be replaced without charge.
9. The provisions of Vehicle Code sections 4602 and 5902, requiring the timely registration or transfer of title are suspended with regard to any registration or transfer of title by any resident of Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura Counties, who is unable to comply with those requirements as a result of the early February 2024 storms. The time covered by this suspension shall not be included in calculating any late penalty pursuant to Vehicle Code section 9554.
10. In order to ensure hospitals, clinics, and other health facilities remain open, the Director of the California Department of Public Health (CDPH) may waive any of the licensing requirements of chapters 1, 2, 8, and 8.5 of division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital, clinic, other health facility, home health agency, or hospice agency identified in Health and Safety Code sections 1200, 1250, 1727, or 1746 that is impacted by the early February 2024 storms. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to remain open while protecting public health and safety. Any health facilities or agencies being granted a waiver shall be established and operated in accordance with their disaster and mass casualty plan or emergency preparedness plan. Any waivers granted pursuant to this paragraph shall be posted on the CDPH website and shall be in effect only so long as necessary to address the direct impacts of the early February 2024 storms in Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura Counties.
11. In order to directly respond to the needs of impacted adult and senior care facilities, child care facilities, children's residential facilities, resource family homes, home care organizations, and

other similar care facilities and care providers within the State Department of Social Services' (CDSS) jurisdiction, the Director of CDSS may waive any provisions of the Family Code, Health and Safety Code, or Welfare and Institutions Code, and accompanying regulations or written directives, with respect to the use, licensing, certification, registration or approval of care providers, facilities or homes within CDSS jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), Child Care Provider Registration (Health and Safety Code section 1596.60 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), Residential Care Facilities for Persons With Chronic Life-Threatening Illness (Health and Safety Code section 1568.01 et seq.), the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.), Medical Foster Homes for Veterans (Health and Safety Code section 1568.21 et seq.), Continuing Care Contracts (Health and Safety Code section 1770 et seq.), the Home Care Services Consumer Protection Act (Health and Safety Code section 1796.10 et seq.), and the Resource Family Approval Program (Welfare and Institutions Code section 16519.5 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the CDSS website and shall be in effect only so long as necessary to address the direct impacts the early February 2024 storms in Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura Counties.

12. In order to directly respond to the needs of behavioral health programs and facilities impacted by the storm, including alcohol and other drug programs, adult alcoholism or drug abuse recovery or treatment facilities, driving-under-the-influence programs, narcotic treatment programs, psychiatric health facilities, mental health rehabilitation centers, social rehabilitation programs, skilled nursing facilities with special treatment programs, Lanterman-Petris-Short designated facilities, community treatment facilities, short term residential therapeutic programs, and children's crisis residential programs, the Director of the Department of Health Care Services (DHCS) may waive any licensing, certification, or approval requirements for such programs under its jurisdiction set forth in Welfare and Institutions Code, Divisions 4, 5 and 9 and in Health and Safety Code, Divisions 2 and 10.5 and accompanying regulations, written standards, or information notices. Any waivers granted pursuant to this paragraph shall be posted on the DHCS website and shall be in effect only so long as necessary to address the direct impacts of the early February 2024 storms in Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura Counties.

13. Health and Safety Code sections 103525.5 and 103625, and Penal Code section 14251, requiring the imposition of fees are hereby suspended with regard to any request for copies of certificates of birth, death, marriage, and dissolution of marriage records, by any individual who lost such records as a result of the early February

2024 storms in Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura Counties. Such copies shall be provided without charge.

14. Drivers may exceed the hours-of-service limits specified in California Vehicle Code section 34501.2 and California Code of Regulations, Title 13, section 1212.5 while operating a vehicle engaged in fuel transportation in support of emergency relief efforts, subject to the following conditions:
 - a. Motor carriers or drivers currently subject to an out-of-service order are eligible for the exemption once the out-of-service order expires or when they have met the conditions for its rescission.
 - b. In accordance with Section 1214, Title 13, California Code of Regulations, no motor carrier operating under the terms of this Proclamation will require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor vehicle carrier that they need immediate rest shall be given at least ten consecutive hours off-duty before being required to return to service.
 - c. Drivers shall maintain a driver's record of duty status, regardless of number of hours worked each day. These records shall be prepared, submitted, and maintained as required by Section 1213, Title 13, California Code of Regulations.
15. Consistent with Parts 390 and 395, Title 49, Code of Federal Regulations, drivers may exceed the hours-of-service limits specified while operating a vehicle engaged in fuel transportation in support of emergency relief efforts. These waivers shall be in effect only for the duration of the driver's direct assistance in providing emergency relief, or thirty (30) days from the date of this Proclamation, whichever is less.
16. In order to allow out-of-state contractors and other utilities driving their own vehicles to provide mutual aid assistance for the restoration of electrical power within the counties impacted by storm, applicable provisions of the Vehicle Code including, but not limited to, Vehicle Code section 34620 requiring a motor carrier permit [licensing] and imposition of certain fees, are suspended for motor carriers providing such assistance. Also, the requirements for motor carriers and drivers in Vehicle Code sections 1808.1 [pull-notice program that checks for driver's license violations], 27900 [display name on vehicle], 27901 [size and color of display name on vehicle], 34505.5 [requirement to have been inspected within 90 days], and 34501.12 [requirement to set up home base in California] are suspended while providing mutual aid assistance for the emergency restoration of services.

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 4th day of February 2024.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH. D
Secretary of State