

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-15-22

WHEREAS on August 31, 2022, I proclaimed a State of Emergency to exist in California due to an Extreme Heat Event, and issued emergency orders effective through September 7, 2022; and

WHEREAS the Extreme Heat Event is now forecasted to last through Friday, September 9, 2022, and will continue bringing dangerous and record-setting heat and temperatures to California; and

WHEREAS the Extreme Heat Event continues to place significant demand and strain on California's energy grid, with a load forecast of 51,276 megawatts on September 6, 2022, which would set a new record from the previous high of 50,270 megawatts on July 24, 2006; and

WHEREAS on September 5, 2022, the California Independent System Operator (CAISO) issued an Energy Emergency Alert 2 from 6:30 p.m. to 9:00 p.m. because of high loads and temperatures across the CAISO grid and a forecasted energy deficiency, with all available resources in use or forecasted to be in use, during those hours; and

WHEREAS recognizing the extraordinary need for energy conservation during this Extreme Heat Event, the Department of General Services took unprecedented measures on September 5, 2022, by placing dozens of state office buildings into a low-power state known as "warm shutdown" beginning at 5:00 p.m., and reduced lighting and air conditioning loads in certain state office buildings at that time; and

WHEREAS Californians have already taken extraordinary actions to conserve energy during the critical evening hours in response to Flex Alerts and other calls for conservation, saving approximately 1,000 megawatts of power when it was most needed on September 5, 2022; and

WHEREAS even greater conservation efforts from all sectors are needed to respond to the greater load forecast on September 6, 2022, and it is necessary to take further action to reduce the strain on California's energy grid and increase energy capacity during the Extreme Heat Event through September 9, 2022; 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 the mitigation of 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, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately.

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my August 31, 2022, Proclamation and the subsequent Executive Order N-14-22 remain in full force and effect, except as modified herein.
2. Paragraph 3 of my August 31, 2022, Proclamation is hereby withdrawn and superseded by the following:

From Wednesday, August 31, 2022, through Friday, September 9, 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).

3. Paragraph 4 of my August 31, 2022, Proclamation is hereby withdrawn and superseded by the following:

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 Wednesday, August 31, 2022, through Friday, September 9, 2022, inclusive, or as otherwise needed to respond to the Extreme Heat Event, are suspended.

4. Paragraph 7 of my August 31, 2022, Proclamation was superseded by paragraph 4 of Executive Order N-14-22. Paragraph 4 of Executive Order N-14-22 is hereby withdrawn and superseded by the following:

In regulations concerning the use of auxiliary engines by ocean-going vessels berthed in California ports, Saturday, September 3, 2022, at 12:01 a.m., through Friday, September 9, 2022, at 11:59 p.m., inclusive, 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.

5. Paragraph 8 of my August 31, 2022, Proclamation was superseded by paragraph 5 of Executive Order N-14-22. Paragraph 5 of Executive Order N-14-22 is hereby withdrawn and superseded by the following:

This Order shall be deemed to provide notice under CCR, title 17, section 93118.3, subd. (c)(14)(C) to reduce use of grid-based electrical power on Saturday, September 3, 2022, at 12:01 a.m., through Friday, September 9, 2022, at 11:59 p.m., inclusive, and notice under that same section that reduction is no longer necessary at 11:59 p.m. on Friday, September 9, 2022. Ocean-going vessels that are berthed at California ports between Saturday, September 3, 2022, at 12:01 a.m., and Friday, September 9, 2022, at 11:59 p.m., inclusive, shall not be required to use shore power until after 11:59 pm on Monday, September 12, 2022.

6. Paragraph 9 of my August 31, 2022, Proclamation is hereby withdrawn and superseded by the following:

An ocean-going vessel operating on auxiliary engines pursuant to an "emergency event" under Paragraph 4 of this Order 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 5 of this Order shall be counted towards compliance under CCR, title 17, section 93118.3, subd. (d)(1)(F)(1).

7. Paragraph 10 of my August 31, 2022, Proclamation is hereby withdrawn and superseded by the following:

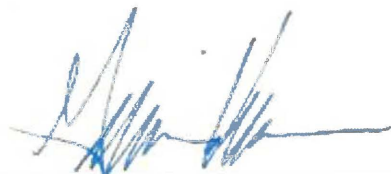
Any permit, regulation or law prohibiting, restricting or penalizing the use of stationary or portable generators or other conduct allowed by my August 31, 2022, Proclamation, or any subsequent executive orders issued with respect to the state of emergency proclaimed in that Proclamation, during the time periods allowed under the ordering paragraphs of the August 31, 2022, Proclamation or under subsequent executive orders, is suspended.

8. The provisions in paragraphs 2-3 and 6-10 of Executive Order N-14-22, and the provisions in this Order, shall expire at 11:59 p.m. on Friday, September 9, 2022, with the exception that, as provided in Paragraph 5 of this Order, ocean-going vessels that are berthed at California ports between Saturday, September 3, 2022, at 12:01 a.m., and Friday, September 9, 2022, at 11:59 p.m., inclusive, shall not be required to use shore power until after 11:59 pm on Monday, September 12, 2022.

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 of this Order.

This Order 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 6th day of September 2022.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH.D.
Secretary of State