

State of California
AIR RESOURCES BOARD

ELECTRIC VEHICLE SUPPLY EQUIPMENT STANDARDS

Resolution 19-17

JUNE 27, 2019

Agenda Item No.: 19-6-3

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the California Air Resources Board (CARB or Board) to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, Senate Bill (SB) 454, the Electric Vehicle Charging Stations Open Access Act (stats. 2013, ch. 418), created Health and Safety code sections 44268 and 44268.2;

WHEREAS, sections 44268 and 44268.2 of Part 5 of Division 26 of the Health and Safety Code charge the Board with the responsibility for ensuring drivers have open access to publicly available electric vehicle supply equipment;

WHEREAS, section 43016 of the Health and Safety Code authorizes CARB to assess penalties for violations of Part 5 of Division 26 of the Health and Safety Code;

WHEREAS, staff has proposed a regulation called the Electric Vehicle Supply Equipment (EVSE) Standards, as set forth in Appendix A, as well as an incorporated test procedure, "California Open Charge Point Interface Test Procedures for Networked Electric Vehicle Supply Equipment for Level 2 and Direct Current Fast Charge Classes," as set forth in Appendix B, to the Initial Statement of Reasons (ISOR or Staff Report) released to the public on May 7, 2019, with requirements in the following areas:

- Sets minimum performance standards on payment hardware and security.
- Establishes reporting requirements for publicly available EVSE.
- Establishes the information that shall be given to the driver at the point of sale.
- Establishes reporting requirements to CARB from the Electric Vehicle Service Provider (EVSP).

WHEREAS, two regions in California, the San Joaquin Valley Basin and the South Coast Air Basin, are designated nonattainment for both the annual and 24-hour standards for particulate matter with a diameter less than 2.5 micrometers (PM_{2.5});

WHEREAS, the Board's California State Implementation Plan (SIP) for ozone establishes the State strategy for attaining the ambient air quality standards for ozone in all areas of the State as required by federal law; as part of the mobile source element developed by the Board, the SIP relies on the California Low-Emission Vehicle (LEV) and Zero-Emission Vehicle (ZEV) regulations to provide significant reductions of ozone precursor pollutants from passenger cars and light-duty trucks; and to reach the 75 parts per billion ozone standard by the attainment date in 2031, oxides of nitrogen (NOx) emissions in the South Coast Air Basin must be cut in half by that date, even after considering all of the regulations in place today with the most significant share of needed emission reductions coming from long-term advanced clean air technologies;

WHEREAS, California's passenger cars and light-duty trucks are the single largest contributor of greenhouse gas emissions (GHG) in the State, producing approximately 30 percent of all such emissions;

WHEREAS, in recognition of the devastating impacts of climate change on California, Governor Edmund G. Brown, on March 23, 2012, signed Executive Order B-16-2012, which established the following State goals:

- 1.5 million ZEVs in California by 2025
- Reduction of GHG emissions from the transportation sector equaling 80 percent below 1990 levels by 2050

WHEREAS, in continued recognition of how ZEVs help combat the devastating impacts of climate change in California, Governor Edmund G. Brown, on January 26, 2018, signed Executive Order B-48-18, which established the following State goals:

- 5 million ZEVs in California by 2030
- 250,000 vehicle charging stations in California by 2025

WHEREAS, CARB's regulatory program that involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans has been certified by the Secretary for Natural Resources under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; California Code of Regulations, title 14, section 15251(d)), and CARB conducts its CEQA review according to this certified program (California Code of Regulations, title 17, sections 60000-60007);

WHEREAS, staff has determined that the proposed regulation is exempt from CEQA under California Code of Regulations, title 14, section 15061(b)(3) ("common sense" exemption); California Code of Regulation, title 14, section 15301 ("Class 1" exemption: Existing Facilities); California Code of Regulation, title 14, section 15302 ("Class 2": Replacement or Reconstruction); California Code of Regulation, title 14, section 15303 ("Class 3": New Construction or Conversion of Small Structures); and California Code of Regulation, title 14, section 15304, ("Class 4": Minor Alterations to Land). The record of evidence shows with certainty that there is no possibility that the proposed activity may result in a significant adverse impact on the environment; the regulation will involve minor

alterations of existing public EVSE; EVSE will be replaced or reconstructed on the original site where existing EVSE are located and will have substantially the same purpose and capacity; EVSE would involve limited new physical modifications to small structures, well under the maximums illustrated in the examples of section 15303; and that CARB staff does not expect healthy, mature, scenic trees to be removed. The proposed regulation does not require any power upgrades to sites; therefore, staff does not expect any major ground disturbances of any kind. Further descriptions are provided in Chapter VII of the Staff Report;

WHEREAS, a public hearing and other administrative proceedings have been held according to the provisions of Chapter 3.5 (commencing with section 11340), part 1, division 3, title 2 of the Government Code;

WHEREAS, the Legislature passed SB 454 to help achieve the ZEV targets outlined above and support electric vehicle adoption;

WHEREAS, easily recognizable forms of payment and transparency for the total cost of charging provide drivers confidence in using public charging infrastructure;

WHEREAS, many drivers rely on mapping tools to locate charging stations beyond their regular travel routes;

WHEREAS, displaying voltage and amperage information on charging infrastructure inform drivers of the capabilities of each EVSE;

WHEREAS, roaming agreements expand EVSE use by allowing members of one network to use charging infrastructure in partner networks;

WHEREAS, the Board finds that:

Using existing charging infrastructure may be confusing to drivers due to varying access and payment modes;

Drivers value common and simple payment methods for charging sessions;

Drivers need to more easily locate public EVSE;

Drivers benefit from pricing transparency with EVSE use;

Drivers benefit from power information clearly provided on each EVSE;

Enabling roaming agreements between Electric Vehicle Service Providers (EVSP) provides drivers easier access to EVSE without additional individual memberships;

The reporting requirements applicable to businesses in the proposed regulation are necessary for the health, safety, and welfare of the people of the State;

Once implemented, the proposed regulation will facilitate consumer use of EVSE through familiar payment methods and consistent location information;

The proposed regulation is necessary, appropriate, and feasible;

The economic and fiscal impacts of the proposed regulation have been analyzed as required by California law, and the conclusions and supporting documentation for this analysis are set forth in the Staff Report, as supplemented by staff's presentation at the hearing of this item;

The proposed regulation meets the statutory requirements of the SB 454 identified in sections 44628 and 44628.2 of the Health and Safety Code;

The proposed regulation was developed in an open public process, in consultation with affected parties, through numerous public workshops, individual meetings, and other outreach efforts, and these efforts are expected to continue;

No reasonable alternatives to the regulation considered to date, or that have otherwise been identified and brought to the attention of CARB, would be more effective at carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected entities than the proposed regulation;

The proposed regulation is consistent with CARB's environmental justice policies and does not disproportionately impact people of any race, culture, or income;

The proposed regulation is exempt from CEQA under California Code of Regulations, title 14, section 15061(b)(3) ("common sense" exemption); California Code of Regulation, title 14, section 15301 ("Class 1" exemption: Existing Facilities); California Code of Regulation, title 14, section 15302 ("Class 2": Replacement or Reconstruction); California Code of Regulation, title 14, section 15303 ("Class 3": New Construction or Conversion of Small Structures); and California Code of Regulation, title 14, section 15304, ("Class 4": Minor Alterations to Land). The record evidence shows with certainty that there is no possibility that the proposed activity may result in a significant adverse impact on the environment; the regulation will involve minor alterations of existing public EVSE; EVSE will be replaced or reconstructed on the original site where existing EVSE are and will have substantially the same purpose and capacity; EVSE would involve limited new physical modifications to small structures, well under the maximums illustrated in the examples of section 15303; and that CARB staff does not expect healthy, mature, scenic trees to be removed. The proposed regulation does not require any power upgrades to sites; therefore, staff does not expect any major ground disturbances of any kind.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves for adoption sections 2360, 2360.1, 2360.2, 2360.3, 2360.4 and 2360.5, Title 13 California Code of Regulations, as set forth in Attachment A, and "California Open Charge Point Interface Test Procedures for Networked Electric Vehicle Supply Equipment for Level 2 and Direct Current Fast Charge Classes," incorporated by reference in section 2360.3, as set forth in Attachment B.

BE IT FURTHER RESOLVED that if there is a possibility that any modifications to the regulation made available for one or more 15 day public comment periods may affect the conclusion of the environmental analysis, the Executive Officer shall prepare and circulate any additional environmental analysis to the extent required by CARB's regulations at California Code of Regulations, title 17, sections 60000–60007, and prepare written responses to any comments received raising significant environmental issues as necessary, to present to the Board for approval along with the final regulation.

BE IT FURTHER RESOLVED that the Board directs staff to revisit the retrofit and annual reporting requirements and propose modifications as appropriate.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to determine if additional conforming modifications to the regulation are appropriate. If no additional modifications are appropriate, the Executive Officer shall take final action to adopt the regulation, as set forth in Attachment A. If the Executive Officer determines that additional conforming modifications are appropriate, the modified regulatory language shall be made available for public comment, with any additional supporting documents and information. The Executive Officer shall consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days. The Executive Officer may present the regulation to the Board for further consideration if warranted, and if not, the Executive Officer shall take final action to adopt the regulation after addressing all appropriate conforming modifications.

I hereby certify that the above is a true and correct copy of Resolution 19-17 as adopted by the California Air Resources Board.

A handwritten signature in blue ink, appearing to read "Tracy Jensen", is written over a horizontal line.

Tracy Jensen, Manager, Legal Office

Resolution 19-17

June 27, 2019

Identification of Attachments to the Board Resolution

Attachment A*: Proposed Electric Vehicle Supply Equipment Standards section(s) 2360, 2360.1, 2360.2, 2360.3, 2360.4 and 2360.5, Title 13 California Code of Regulations as set forth in Appendix A to the Initial Statement of Reasons, released May 7, 2019

Attachment B*: "California Open Charge Point Interface Test Procedures for Networked Electric Vehicle Supply Equipment for Level 2 and Direct Current Fast Charge Classes," as set forth in Appendix B to the Initial Statement of Reasons, released May 7, 2019

***Attachments A and B are NOT attached to the proposed resolution; they are simply described on this page.**