

**Introduced by Senator Menjivar
(Principal coauthor: Senator Stern)**

February 14, 2024

An act to add Chapter 8 (commencing with Section 21710) to Part 1 of Division 9 of the Public Utilities Code, relating to aviation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1193, as introduced, Menjivar. Airports: leaded aviation gasoline.

Existing law, the State Aeronautics Act, governs various matters relative to aviation in the state, and authorizes the Department of Transportation to adopt, administer, and enforce rules and regulations for the administration of the act. Under existing law, a violation of the State Aeronautics Act is a crime.

This bill would prohibit an airport operator or aviation retail establishment, as defined, from selling, distributing, or otherwise making available leaded aviation gasoline to consumers, consistent with a specified timeline, as provided.

This bill would require the department, in consultation with the State Department of Public Health and the California Environmental Protection Agency, to identify best management practices for reducing public health and environmental exposures to lead associated with airport operations. The bill would require the department, on or before July 1, 2025, to publish on its internet website initial guidance for airport operators regarding best airport operating practices to minimize environmental and public health impacts of lead exposure. The bill would require the department to publish updated guidance on or before July 1, 2026, as specified.

This bill would require each airport operator, on or before November 1, 2025, to submit to the department, and begin implementing, a plan

to implement the best practices identified by the department to minimize environmental impacts and public health risks associated with leaded aviation gasoline use at airports. The bill would require each airport operator, by December 1, 2026, and each December 1 thereafter, to provide a status report to the department regarding its implementation of the plan, including the status of planning and investments to facilitate the supply of unleaded aviation gasoline at the airport, except as specified. The bill would require the department, in consultation with the State Department of Public Health and the California Environmental Protection Agency, to offer technical assistance to each airport operator that has not submitted a plan, or that does not implement the plan submitted to the department in the manner described in the plan.

This bill would provide that a person in violation of the prohibition on selling, distributing, or otherwise making available leaded aviation gasoline to consumers is subject to a civil penalty of up to \$1,000 per day that leaded aviation gasoline was sold, distributed, or supplied. The bill would provide that a person who remains in violation of the requirements to submit a plan or status report to the department 30 days after the offer of technical assistance by the department is subject to a civil penalty of up to \$1,000 per day of continued noncompliance. The bill would also make its provisions severable.

Because the above provisions would be a part of the State Aeronautics Act, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 8 (commencing with Section 21710) is
 2 added to Part 1 of Division 9 of the Public Utilities Code, to read:

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CHAPTER 8. LEADED AVIATION GASOLINE

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6 21710. (a) An airport operator or aviation retail establishment
 7 shall not sell, distribute, or otherwise make available leaded

1 aviation gasoline to consumers consistent with the following
2 timeline:

3 (1) Beginning January 1, 2026, for airports and aviation retail
4 establishments located in or adjacent to either of the following:

5 (A) A disadvantaged community, as identified pursuant to
6 Section 39711 of the Health and Safety Code.

7 (B) A city with a population of at least 700,000 as of January
8 1, 2024, as determined using the latest official estimate published
9 by the Department of Finance.

10 (2) Beginning January 1, 2028, for airports and aviation retail
11 establishments located in or immediately adjacent to an urban
12 growth boundary.

13 (3) Beginning January 1, 2030, for all other airports and aviation
14 retail establishments.

15 (b) For purposes of this section, “aviation retail establishment”
16 means any public or private entity that sells aviation gasoline, or
17 offers or otherwise makes available aviation gasoline to a customer,
18 including other businesses or government entities, for use in this
19 state.

20 21711. (a) The department, in consultation with the State
21 Department of Public Health and the California Environmental
22 Protection Agency, and using all available information, shall
23 identify best management practices for reducing public health and
24 environmental exposures to lead associated with airport operations.

25 (b) On or before July 1, 2025, the department shall publish on
26 its internet website initial guidance for airport operators regarding
27 best airport operating practices to minimize environmental and
28 public health impacts of lead exposure. The department shall
29 publish updated guidance on or before July 1, 2026, and may
30 periodically review and update its guidance thereafter.

31 (c) In developing the guidance pursuant to subdivision (b), the
32 department shall consider including measures to address all of the
33 following:

34 (1) Managing runup practices, including by increasing the
35 distance between runup areas and public areas on or off the airport,
36 or increasing the size of runup areas.

37 (2) Eliminating the castoff of leaded aviation gasoline, and
38 minimizing and mitigating other spills and releases of unexpended
39 leaded aviation gasoline.

40 (3) Minimizing airport employee exposures.

1 (4) Minimizing releases of leaded aviation gasoline caused by
2 refueling and maintenance activities at the airport, including
3 processes used to store and dispense aviation gasoline at the airport.

4 (5) Minimizing idle time and engine runup time.

5 (6) Educating and financially incentivizing consumers that have
6 the option to purchase and use unleaded aviation gasoline at the
7 airport to do so.

8 (d) The department may adopt rules and regulations to
9 implement, administer, and enforce the requirements of this
10 chapter.

11 21712. (a) On or before November 1, 2025, each airport
12 operator shall submit to the department, and begin implementing,
13 a plan to implement the best practices identified by the department
14 pursuant to Section 21711 designed to minimize environmental
15 impacts and public health risks associated with leaded aviation
16 gasoline use at airports.

17 (b) Each airport operator shall update its plan by the November
18 1 following an updated publication of the guidance issued by the
19 department pursuant to subdivision (b) of Section 21711.

20 (c) At minimum, each airport operator shall include in its plan
21 both of the following:

22 (1) A description of how the airport operator plans to implement
23 the operational and logistical recommendations contained in the
24 guidance issued pursuant to subdivision (b) of Section 21711.

25 (2) A plan and budget for the financing of any needed fueling
26 infrastructure improvements at the airport to enable the airport to
27 begin supplying unleaded aviation gasoline by the timelines
28 established in Section 21710.

29 (d) By December 1, 2026, and each December 1 thereafter, each
30 airport operator shall provide a status report to the department
31 regarding its implementation of the plan submitted pursuant to
32 subdivision (a), including the status of planning and investments
33 to facilitate the supply of unleaded aviation gasoline at the airport.

34 (e) The department, in consultation with the State Department
35 of Public Health and the California Environmental Protection
36 Agency, shall offer technical assistance to each airport operator
37 that has not submitted a plan pursuant to subdivision (a), or that
38 does not implement the plan submitted to the department in the
39 manner described in the plan.

1 (f) This section does not apply to the operator of an airport at
2 which leaded aviation gasoline is not sold, distributed, or otherwise
3 made available. When an airport ceases to sell, distribute, or
4 otherwise make available leaded aviation gasoline, the airport
5 operator shall notify the department within 30 days of the cessation
6 of the use of leaded aviation gasoline at the airport.

7 21713. (a) A person in violation of the requirements of Section
8 21710 is subject to a civil penalty of up to one thousand dollars
9 (\$1,000) per day that leaded aviation gasoline was sold, distributed,
10 or supplied.

11 (b) A person who remains in violation of the requirements of
12 Section 21712 30 days after the offer of technical assistance under
13 subdivision (e) of Section 21712 is subject to a civil penalty of up
14 to one thousand dollars (\$1,000) per day of continued
15 noncompliance.

16 21714. (a) If the provisions of this section are in conflict with
17 federal grant assurances in effect on or before January 1, 2025,
18 those provisions of this section shall apply to an airport operator
19 upon the expiration of those grant assurances.

20 (b) The provisions of this chapter are severable. If any provision
21 of this chapter or its application is held invalid, that invalidity shall
22 not affect other provisions or applications that can be given effect
23 without the invalid provision or application.

24 SEC. 2. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.