

AMENDED IN SENATE APRIL 11, 2024

**SENATE BILL**

**No. 1193**

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

February 14, 2024

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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 amended, 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. *The bill would exempt an airport operator or aviation retail establishment from that prohibition if the board of supervisors of the county in which the point of sale occurs has made a final, written determination supported by clear and convincing evidence, after a noticed public hearing, that an unleaded aviation replacement fuel is not commercially available in the county. The bill would authorize an airport operator or aviation retail establishment to make a written request to the board of supervisors of a county to make the above determination, 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~~ *replacement fuel* 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~~  
8 ~~aviation gasoline to consumers consistent with the following~~  
9 ~~timeline:~~

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

12 ~~(A) A disadvantaged community, as identified pursuant to~~  
13 ~~Section 39711 of the Health and Safety Code.~~

14 ~~(B) A city with a population of at least 700,000 as of January~~  
15 ~~1, 2024, as determined using the latest official estimate published~~  
16 ~~by the Department of Finance.~~

17 ~~(2) Beginning January 1, 2028, for airports and aviation retail~~  
18 ~~establishments located in or immediately adjacent to an urban~~  
19 ~~growth boundary.~~

20 ~~(3) Beginning January 1, 2030, for all other airports and aviation~~  
21 ~~retail establishments.~~

22 ~~(b) For purposes of this section, “aviation~~

23 ~~21710. For purposes of this chapter, the following definitions~~  
24 ~~apply:~~

25 ~~(a) “Aviation retail establishment” means any public or private~~  
26 ~~entity that sells aviation gasoline, or offers or otherwise makes~~  
27 ~~available aviation gasoline to a customer, including other~~  
28 ~~businesses or government entities, for use in this state.~~

29 ~~(b) “Commercially available” means sufficient prime suppliers~~  
30 ~~are willing to transport the fuel to aviation retail establishments~~  
31 ~~and airport operators, and sufficient quantities are available to~~  
32 ~~reasonably meet the aviation needs in the county.~~

33 ~~(c) “Prime supplier” means a firm that produces, imports, or~~  
34 ~~transports selected petroleum products across state boundaries~~

1 and local marketing areas, and sells the product to local  
2 distributors, local retailers, or end users.

3 (d) “Unleaded aviation replacement fuel” means an unleaded  
4 aviation gasoline that meets both of the following criteria:

5 (1) It has been authorized for use by the Administrator of the  
6 Federal Aviation Administration as a replacement for 100-octane  
7 low lead aviation gas for use in nearly all spark ignition aircraft  
8 and engine models.

9 (2) It meets either an industry consensus standard or other  
10 standard that facilitates the safe use, production, and distribution  
11 of that unleaded aviation gasoline.

12 21711. (a) Except as specified in subdivision (b), an airport  
13 operator or aviation retail establishment shall not sell, distribute,  
14 or otherwise make available leaded aviation gasoline to consumers  
15 consistent with the following timeline:

16 (1) Beginning January 1, 2027, for airports and aviation retail  
17 establishments located in or adjacent to either of the following:

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

20 (B) A city with a population of at least 700,000 as of January  
21 1, 2024, as determined using the latest official estimate published  
22 by the Department of Finance.

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

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

28 (b) (1) Subdivision (a) does not apply to an airport operator  
29 or aviation retail establishment if the board of supervisors of the  
30 county in which the point of sale occurs has made a final, written  
31 determination supported by clear and convincing evidence, after  
32 a noticed public hearing, that an unleaded aviation replacement  
33 fuel is not commercially available in the county.

34 (2) A determination made pursuant to paragraph (1), and any  
35 subsequent determination, is valid for one year.

36 (c) (1) An airport operator or aviation retail establishment may  
37 make a written request to the board of supervisors of a county to  
38 make a determination pursuant to subdivision (b).

39 (2) The board of supervisors may establish a fee schedule that  
40 sets forth the fees to be paid by an applicant that makes a request

1 *pursuant to paragraph (1) for the county to recover the reasonable*  
2 *costs incurred in making a determination pursuant to subdivision*  
3 *(b).*

4 *(3) The board of supervisors shall consider all evidence*  
5 *submitted by the applicant and any other interested parties when*  
6 *making a determination pursuant to subdivision (b).*

7 ~~21711.~~

8 21712. (a) The department, in consultation with the State  
9 Department of Public Health and the California Environmental  
10 Protection Agency, and using all available information, shall  
11 identify best management practices for reducing public health and  
12 environmental exposures to lead associated with airport operations.

13 (b) On or before July 1, 2025, the department shall publish on  
14 its internet website initial guidance for airport operators regarding  
15 best airport operating practices to minimize environmental and  
16 public health impacts of lead exposure. The department shall  
17 publish updated guidance on or before July 1, 2026, and may  
18 periodically review and update its guidance thereafter.

19 (c) In developing the guidance pursuant to subdivision (b), the  
20 department shall consider including measures to address all of the  
21 following:

22 (1) Managing runup practices, including by increasing the  
23 distance between runup areas and public areas on or off the airport,  
24 or increasing the size of runup areas.

25 (2) Eliminating the castoff of leaded aviation gasoline, and  
26 minimizing and mitigating other spills and releases of unexpended  
27 leaded aviation gasoline.

28 (3) Minimizing airport employee exposures.

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

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

33 (6) Educating and financially incentivizing consumers that have  
34 the option to purchase and use unleaded aviation ~~gasoline~~  
35 *replacement fuel* at the airport to do so.

36 (d) The department may adopt rules and regulations to  
37 implement, administer, and enforce the requirements of this  
38 chapter.

1 ~~21712.~~

2 21713. (a) On or before November 1, 2025, each airport  
3 operator shall submit to the department, and begin implementing,  
4 a plan to implement the best practices identified by the department  
5 pursuant to Section ~~21711~~ 21712 designed to minimize  
6 environmental impacts and public health risks associated with  
7 leaded aviation gasoline use at airports.

8 (b) Each airport operator shall update its plan by the November  
9 1 following an updated publication of the guidance issued by the  
10 department pursuant to subdivision (b) of Section ~~21711~~ 21712.

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

13 (1) A description of how the airport operator plans to implement  
14 the operational and logistical recommendations contained in the  
15 guidance issued pursuant to subdivision (b) of Section ~~21711~~  
16 21712.

17 (2) A plan and budget for the financing of any needed fueling  
18 infrastructure improvements at the airport to enable the airport to  
19 begin supplying unleaded aviation ~~gasoline by the timelines~~  
20 ~~established in~~ *replacement fuel pursuant to* Section ~~21710~~ 21711.

21 (d) By December 1, 2026, and each December 1 thereafter, each  
22 airport operator shall provide a status report to the department  
23 regarding its implementation of the plan submitted pursuant to  
24 subdivision (a), including the status of planning and investments  
25 to facilitate the supply of unleaded aviation ~~gasoline~~ *replacement*  
26 *fuel* at the airport.

27 (e) The department, in consultation with the State Department  
28 of Public Health and the California Environmental Protection  
29 Agency, shall offer technical assistance to each airport operator  
30 that has not submitted a plan pursuant to subdivision (a), or that  
31 does not implement the plan submitted to the department in the  
32 manner described in the plan.

33 (f) This section does not apply to the operator of an airport at  
34 which leaded aviation gasoline is not sold, distributed, or otherwise  
35 made available. When an airport ceases to sell, distribute, or  
36 otherwise make available leaded aviation gasoline, the airport  
37 operator shall notify the department within 30 days of the cessation  
38 of the use of leaded aviation gasoline at the airport.

39 ~~21713. (a) A person in violation of the requirements of Section~~  
40 ~~21710 is subject to a civil penalty of up to one thousand dollars~~

1 (\$1,000) per day that leaded aviation gasoline was sold, distributed,  
2 or supplied.

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

8 21714. (a) ~~If the provisions a provision of this section are in~~  
9 ~~conflict chapter conflicts~~ with a federal grant assurance assurance  
10 in effect on or before January 1, 2025, ~~those provisions of this~~  
11 ~~section that provision~~ shall not apply to an airport operator ~~upon~~  
12 ~~the expiration of those grant assurances. subject to that grant~~  
13 ~~assurance until the federal grant assurance expires.~~

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

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