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OAKLAND

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Approved as to Form and Legality



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 89162 C.M.S.

INTRODUCED BY VICE MAYOR KAPLAN AND COUNCILMEMBER KALB

RESOLUTION DIRECTING THE CITY ADMINISTRATOR TO REVIEW AND ANALYZE CLEANER ALTERNATIVES TO DIESEL GENERATORS TO BE AUTHORIZED FOR BACKUP POWER FOR ALL DEVELOPMENT ON CITY OF OAKLAND PROPERTY AND PROJECTS IN WHICH THE CITY HAS THE AUTHORITY TO DESIGNATE THE TYPE OF GENERATOR TO BE USED TO ESTABLISH A CLEANER GENERATOR POLICY THAT REDUCES HARMFUL EMISSIONS, AND TO REPORT BACK TO COUNCIL BY SEPTEMBER 2022 ON THE POLICY AND WITH AMENDMENTS TO THE OAKLAND MUNICIPAL CODE, PLANNING AND BUILDING AND OTHER CODES IF NEEDED

WHEREAS, in the last number of years, the amount of commercial operations in California relying on large diesel backup generator systems has increased; and

WHEREAS, according to a study conducted by MCubed, over a three year period between 2018 and 2020, the number of nonresidential backup generators in the Bay Area increased by 34%, based on data provided by the Bay Area Air Quality Management District (BAAQMD)¹; and

WHEREAS, specifically in Oakland, the number of nonresidential backup generators increased from 229 to 348; and

WHEREAS, in this same study, researchers found 90% of all new nonresidential backup generators in California were diesel-fuels, driving nearly \$136 million in annual health costs; and

¹Moss, Steve; Bilich, Andy, *Diesel Back-Up Generator Population Grows Rapidly in the Bay Area and Southern California* (M. Cubed, May 2020).

WHEREAS, diesel particulate matter (PM) from generators contributes to numerous health impacts including increased hospital admissions, particularly for heart disease, but also for respiratory illnesses; and

WHEREAS, small particles of diesel PM can reach deep into the lungs, contributing to a range of health problems, particularly for children and older adults; and

WHEREAS, according to the federal Environmental Protection Agency, pollution from diesel exhaust includes soot, oxides of nitrogen which contributes to the production of smog and acid rain, carbon monoxide, and other hazardous air pollutants²; and

WHEREAS, there are approximately 10,000 total permitted diesel engines throughout the Bay Area according to BAAQMD data; and

WHEREAS, BAAQMD's "Best Available Control Technology" regulation requires permit applicants to use the most stringent level of emissions control that either (i) has been successfully achieved by other facilities for similar types of equipment or (ii) is technologically feasible and cost effective; and

WHEREAS, the California Energy Commission convened a workshop January 2021 to discuss and share research into clean energy alternatives to diesel backup generator systems, where multiple viable and scalable clean technology solutions were identified; and

WHEREAS, the City of Oakland requires zoning review, and electrical and plumbing permits in order to install a generator, and for large generators, requires a building permit; and

WHEREAS, more must be done to promote the use of cleaner technology for back-up generators to stem the negative health and environmental impacts of diesel-fueled generators; and

WHEREAS, the City, whenever possible, should use its position and authority in land use decisions to advance utilizing cleaner alternatives to diesel generators; now, therefore, be it

² US Environmental Protection Agency, *Diesel Fuel Standards: About Diesel Fuels*.

RESOLVED: That the City wishes to establish a “Cleaner Generator Policy” to make generator usage approved by the City safer by approving usage of generators with cleaner emissions than diesel generators to reduce generator emissions; and be it

FURTHER RESOLVED: That the City Administrator shall review and analyze cleaner alternatives to diesel generators to be authorized for backup power for all development on City of Oakland property and projects in which the City has the authority to designate the type of generator to be used in order to reduce harmful generator emissions, and shall report back to the City Council by September 2022 on the policy and with Oakland Municipal Code, Planning and Building or other legislative amendments needed to implement the new generator policy.

IN COUNCIL, OAKLAND, CALIFORNIA,

MAY - 3 2022

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

City Clerk and Clerk of the Council of the
City of Oakland, California