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Public Law Update – Expedited Review of Hydrogen-Fueling Station Permits (SB 1418)

Senate Bill 1418 ("SB 1418") modifies the hydrogen-fueling station permitting process to require every local agency, defined to include a city, charter city, county, or city and county, to administratively approve an application to install hydrogen-fueling stations through the issuance of a building permit or similar nondiscretionary permit so long as the parcel that the hydrogen fueling station is located upon is zoned for industrial or commercial development, does not contain any residential units, and was previously developed as a service station (e.g. a gas station).

A hydrogen-fueling station must meet all of the following requirements, as applicable:

> (A) Safety and performance standards established by the Society of Automotive Engineers and accredited nationally recognized testing laboratories;
>
> (B) All applicable state laws and regulations pertaining to hydrogen fueling, including any rules established by the State Air Resources Board, Energy Commission, or Department of Food and Agriculture regarding safety, reliability, weights, and measures; and
>
> (C) Guidance established by the Governor's Office of Business and Economic Development, as outlined in the Hydrogen Station Permitting Guidebook.

The timeline for compliance with SB 1418 depends on the size of a local jurisdiction's population. Local agencies with populations over 250,000 or more must, in consultation with the local fire department or district and the utility director, if the local agency operates a utility, adopt an ordinance that creates an expedited, streamlined permitting process for hydrogen-fueling stations that meet the requirements of SB 1418. For local agencies with a population of fewer than 250,000, compliance must be achieved on or before September 30, 2028.

SB 1418 specifies that the implementation of consistent statewide standards to achieve the timely and cost-effective installation of electric vehicle charging stations and hydrogen-fueling stations is a matter of statewide concern and therefore its provisions apply to all cities, including charter cities.

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