

## Hydrogen Permit Streamlining Overview

SB 1291 (Archuleta, 2022), codified in Government Code [Section 65850.7](#), extends California's existing electric vehicle charging station streamlining law, AB 1236, to include hydrogen stations until 2030.

SB 1291 requires all California cities and counties to develop an expedited, streamlined permitting process for hydrogen fueling stations that meet certain criteria.

The law was developed to further the availability of hydrogen fueling infrastructure to help drive the deployment of zero emission vehicles—the faster hydrogen fueling stations are deployed, the sooner California's air quality improves, greenhouse gas emissions are reduced, and local economic benefits are captured.

Jurisdictions are required by SB 1291 to **limit hydrogen fueling station project review to health and safety requirements**.

Pursuant to SB 1291, cities and counties must adopt a streamlining ordinance and checklist. Current city and county streamlining status is reflected on the [Hydrogen Fueling Station Map](#) and jurisdictions are graded based on the Permitting Hydrogen Fueling Stations Scorecard, which includes the streamlining requirements of SB 1291 provided below.

### Scoring Criteria:

1. Streamlining Ordinance for Expedited Hydrogen Fueling Station Permit Process
2. Permitting Checklist Online
3. Administrative Approval of Hydrogen Fueling Station
4. Approval Limited to Health & Safety Review
5. Electronic Signatures Accepted
6. Hydrogen Fueling Station Not Subject to Association Approval
7. One Complete Deficiency Notice if Application is Incomplete

The city or county should provide one complete set of comments detailing all application deficiencies, which the applicant should address in a streamlined and complete manner through modifications to the existing application.

To avoid the need for corrections, project applicants should communicate with local permitting jurisdictions to ensure application compliance with building, electrical, accessibility, and any health and safety requirements.

## Permit Streamlining Law Applicability

SB 1291 applies to all hydrogen fueling stations that are located on a parcel that is either (1) zoned for industrial or commercial development and does not contain any residential units or (2) was previously developed with a service station, meaning any establishment which offers for sale or sells gasoline or other motor vehicle fuel to the public.

### Hydrogen Permitting Resources

For resources on how to become a streamlined jurisdiction, refer to the [Hydrogen Fueling Station Readiness](#) website. The [Hydrogen Station Permitting Guidebook](#) covers in detail the permitting and development process. The Guidebook will be updated in 2024 to include SB 1291.

### Connecting to the Grid and Operation

Utility approval to begin the grid connection process is a separate and distinct approval process from the city and county hydrogen permitting process. Project applicants should involve their local utility early in the planning process to understand the timeline for interconnection and delineation of responsibilities, which vary by utility territory.

Before a station can be used, it must pass final inspection(s) by the local permitting jurisdiction and utility. The local jurisdiction and utility processes should be coordinated to mitigate delays and expedite site energization and commissioning.

### Commissioning

The station developer is responsible for constructing the station to the plans and specifications approved by the AHJ. The developer will fill the system with hydrogen and administer a series of tests to ensure the station performs as expected and conforms with all retail fueling station requirements. Once that has been completed the developer will schedule a final inspection by the AHJ to approve the station for operation.



**Hydrogen Infrastructure Project Processing Summary - SB 1291 (2022) <https://legiscan.com/CA/text/SB1291/id/2606976>**

SEC 65850.7(b)(2) A city, county, or city and county shall administratively approve an application to install hydrogen-fueling stations through the issuance of a building permit or similar nondiscretionary permit. This paragraph shall only apply to an application to install hydrogen-fueling stations on a parcel that satisfies either of the following:

IMPACT	Proposed site is	Actions by City/County
SB-1291 Expedites	(1) Zoned Commercial/Industrial and (2) Free of Residential units:	Straight to Building & Safety for Permit Plan Review - Per SEC 65850.7(b)(3)**
SB-1291 Expedites	(1) Existing service station and (2) Building Official determines no adverse impacts likely (3) NEW BUILD Service Station is assumed to = "Existing"*	Straight to Building & Safety for Permit Plan Review - Per SEC 65850.7(b)(3)**
SB-1291 DOES NOT Expedite	Not an existing or proposed service station	Review as an entitlement (Use Permit or other as required by the City codes), Identify possible impacts, AND Create mitigation with project team, then go to Building & Safety for review!
SB-1291 DOES NOT Expedite	The Building Official indicates the project has a possible adverse impact.	Review as an entitlement (Use Permit or other as required by the City codes), Identify possible impacts, AND Create mitigation with project team, then go to Building & Safety for review!

**NOTES**

\* Because the site is approved for a station and the station is in development the site is assumed to be considered an existing service station for the purpose of processing of the Hydrogen equipment additions (due to the intent of the law as described below).

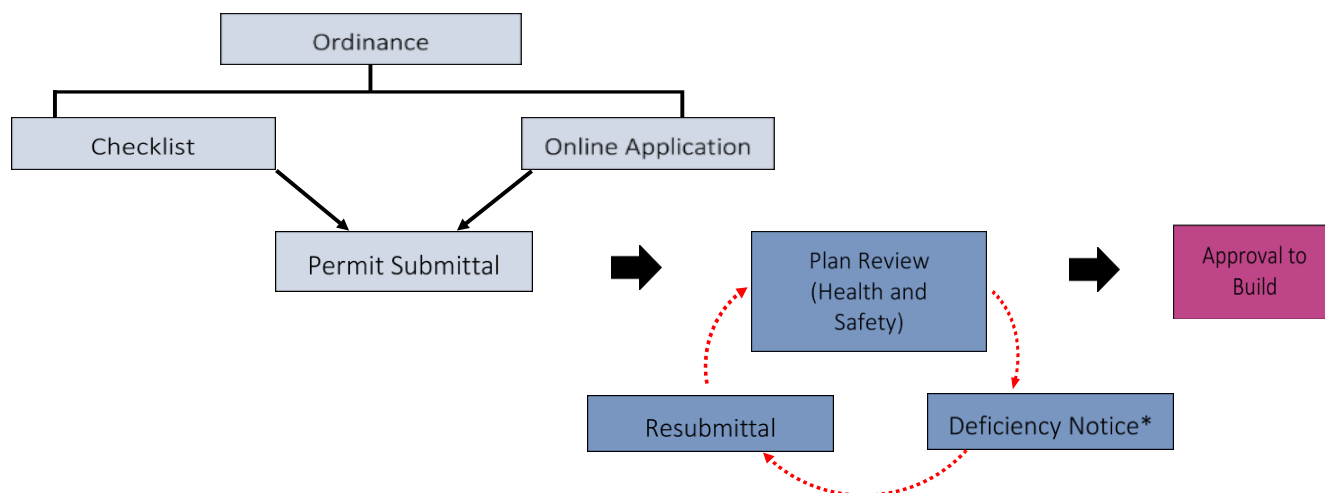
\*\* SEC 65850.7(b)(3): Review of an application to install an electric vehicle charging station or hydrogen-fueling station shall be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the electric vehicle charging station or hydrogen-fueling station will not have a specific, adverse impact upon the public health or safety. However, if the building official of the city, county, or city and county makes a finding, based on substantial evidence, that the electric vehicle charging station or hydrogen-fueling station could have a specific, adverse impact upon the public health or safety, the city, county, or city and county may require the applicant to apply for a use permit.

**INTENT OF THE LAW**

SEC 65850.7(a)(3): It is the **policy of the state** to **promote and encourage** the use of electric vehicle charging stations and **hydrogen-fueling stations and to limit obstacles to their use.**

©Fiedler Group 2023

**Hydrogen Fueling Station Streamlined Permitting Process**



\*The deficiency notice should include one complete set of comments