

Introduced by Senator Rogers

March 3, 1987

An act to amend Section 25120 of the Public Resources Code, relating to energy resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 928, as introduced, Rogers. Energy resources: thermal powerplants.

The existing State Energy Resources Conservation and Development Act defines a thermal powerplant for purposes of that act.

This bill would specify that a wind, hydroelectric, or solar photovoltaic electric generating facility is not a thermal powerplant for purposes of the act.

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

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

- 1 SECTION 1. Section 25120 of the Public Resources
- 2 Code is amended to read:
- 3 25120. "Thermal powerplant" means any stationary
- 4 or floating electrical generating facility using any source
- 5 of thermal energy, with a generating capacity of 50
- 6 megawatts or more, and any facilities appurtenant
- 7 thereto. Exploratory, development, and production
- 8 wells, resource transmission lines, and other related
- 9 facilities used in connection with a geothermal
- 10 exploratory project or a geothermal field development
- 11 project are not appurtenant facilities for the purposes of
- 12 this division.
- 13 "Thermal powerplant" does not include any wind,
- 14 hydroelectric, or solar photovoltaic electrical generating

SB 928

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AMENDED IN ASSEMBLY JUNE 6, 1988

SENATE BILL

No. 928

Introduced by Senator Rogers

March 3, 1987

An act to amend ~~Section 25120~~ of Sections 25120 and 25540.6 of, and to add Section 25119.5 to, the Public Resources Code, relating to energy resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 928, as amended, Rogers. Energy resources: thermal powerplants.

(1) The existing State Energy Resources Conservation and Development Act defines a thermal powerplant for purposes of that act.

This bill would specify that a wind, hydroelectric, or solar photovoltaic electric generating facility is not a thermal powerplant for purposes of the act.

(2) The act eliminates the requirement for a notice of intention, and requires the State Energy Resources Conservation and Development Commission to issue its final decision within 12 months on an application for certification of specified types of thermal powerplants, or modification thereof.

This bill would include within these provisions an application for certification of a solar energy powerplant, as defined.

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

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

1 SECTION 1. Section 25119.5 is added to the Public
2 Resources Code, to read:

3 25119.5. "Solar energy powerplant" means any
4 electrical generating facility which utilizes solar energy
5 for 75 percent or more of its energy input.

6 SEC. 2. Section 25120 of the Public Resources Code
7 is amended to read:

8 25120. "Thermal powerplant" means any stationary
9 or floating electrical generating facility using any source
10 of thermal energy, with a generating capacity of 50
11 megawatts or more, and any facilities appurtenant
12 thereto. Exploratory, development, and production
13 wells, resource transmission lines, and other related
14 facilities used in connection with a geothermal
15 exploratory project or a geothermal field development
16 project are not appurtenant facilities for the purposes of
17 this division.

18 "Thermal powerplant" does not include any wind,
19 hydroelectric, or solar ~~photovoltaire~~ photovoltaic
20 electrical generating facility.

21 SEC. 3. Section 25540.6 of the Public Resources Code
22 is amended to read:

23 25540.6. Notwithstanding any other ~~provisions~~
24 ~~provision~~ of law, if a person proposes any of the following,
25 no notice of intention ~~shall be~~ is required, and the
26 commission shall issue its final decision on the
27 application, as specified in Section 25523, within 12
28 months after the filing of the application for certification
29 of ~~such~~ the powerplant and related facility or facilities, or
30 at ~~such~~ any later time as is mutually agreed by the
31 commission and the applicant, *for any of the following:*

32 (a) A thermal powerplant which will employ
33 cogeneration technology. Such a facility may not exceed
34 300 megawatts unless the commission, by regulation,
35 authorizes a greater capacity.

36 (b) A modification of an existing facility.

37 (c) A thermal powerplant which it is only
38 technologically or economically feasible to site at or near

1 the energy source.

2 (d) A thermal powerplant with a generating capacity
3 of up to 100 megawatts.

4 (e) A thermal powerplant designed to develop or
5 demonstrate technologies which have not previously
6 been built or operated on a commercial scale. Such a
7 research, development, or commercial demonstration
8 project may include, but ~~not be~~ *is not* limited to, *the* use
9 of renewable or alternative fuels, improvements in
10 energy conversion efficiency, or *the* use of advanced
11 pollution control systems. Such a facility may not exceed
12 300 megawatts unless the commission, by regulation,
13 authorizes a greater capacity. ~~The provisions of~~ Section
14 25524 ~~shall~~ *does* not apply to ~~any~~ such a powerplant and
15 related facility or facilities.

16 (f) *A solar energy powerplant.*

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AMENDED IN ASSEMBLY AUGUST 1, 1988

AMENDED IN ASSEMBLY JUNE 6, 1988

SENATE BILL

No. 928

Introduced by Senator Rogers

March 3, 1987

An act to amend Sections 25120 and 25540.6 of, and to add Section ~~25119.5~~ 25140 to, the Public Resources Code, relating to energy resources, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 928, as amended, Rogers. Energy resources: thermal powerplants.

(1) The existing State Energy Resources Conservation and Development Act defines a thermal powerplant for purposes of that act.

This bill would specify that a wind, hydroelectric, or solar photovoltaic electric generating facility is not a thermal powerplant for purposes of the act.

(2) The act eliminates the requirement for a notice of intention, and requires the State Energy Resources Conservation and Development Commission to issue its final decision within 12 months on an application for certification of specified types of thermal powerplants, or modification thereof.

This bill would include within these provisions an application for certification of a solar ~~energy~~ thermal powerplant, as defined.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~ $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 25119.5 is added to the Public
2 Resources Code, to read:

3 25119.5. "Solar energy powerplant" means any
4 electrical generating facility which utilizes solar energy
5 for 75 percent or more of its energy input.

6 SEC. 2.

7 SECTION 1. Section 25120 of the Public Resources
8 Code is amended to read:

9 25120. "Thermal powerplant" means any stationary
10 or floating electrical generating facility using any source
11 of thermal energy, with a generating capacity of 50
12 megawatts or more, and any facilities appurtenant
13 thereto. Exploratory, development, and production
14 wells, resource transmission lines, and other related
15 facilities used in connection with a geothermal
16 exploratory project or a geothermal field development
17 project are not appurtenant facilities for the purposes of
18 this division.

19 "Thermal powerplant" does not include any wind,
20 hydroelectric, or solar photovoltaic electrical generating
21 facility.

22 SEC. 2. Section 25140 is added to the Public Resources
23 Code, to read:

24 25140. "Solar thermal powerplant" means a thermal
25 powerplant in which 75 percent or more of the total
26 energy output is from solar energy and the use of backup
27 fuels, such as oil, natural gas, and coal, does not, in the
28 aggregate, exceed 25 percent of the total energy input of
29 the facility during any calendar year period.

30 SEC. 3. Section 25540.6 of the Public Resources Code
31 is amended to read:

32 25540.6. Notwithstanding any other provision of law,
33 no notice of intention is required, and the commission
34 shall issue its final decision on the application, as specified
35 in Section 25523, within 12 months after the filing of the
36 application for certification of the powerplant and
37 related facility or facilities, or at any later time as is
38 mutually agreed by the commission and the applicant, for

1 any of the following:

2 (a) A thermal powerplant which will employ
3 cogeneration technology, *or a solar thermal powerplant.*
4 Such a facility may not exceed 300 megawatts unless the
5 commission, by regulation, authorizes a greater capacity.

6 (b) A modification of an existing facility.

7 (c) A thermal powerplant which it is only
8 technologically or economically feasible to site at or near
9 the energy source.

10 (d) A thermal powerplant with a generating capacity
11 of up to 100 megawatts.

12 (e) A thermal powerplant designed to develop or
13 demonstrate technologies which have not previously
14 been built or operated on a commercial scale. Such a
15 research, development, or commercial demonstration
16 project may include, but is not limited to, the use of
17 renewable or alternative fuels, improvements in energy
18 conversion efficiency, or the use of advanced pollution
19 control systems. Such a facility may not exceed 300
20 megawatts unless the commission, by regulation,
21 authorizes a greater capacity. Section 25524 does not
22 apply to such a powerplant and related facility or
23 facilities.

24 ~~(f) A solar energy powerplant.~~

25 *SEC. 4. This act is an urgency statute necessary for*
26 *the immediate preservation of the public peace, health,*
27 *or safety within the meaning of Article IV of the*
28 *Constitution and shall go into immediate effect. The facts*
29 *constituting the necessity are:*

30 *In order to ensure and expedite the development of*
31 *solar energy facilities, which are nonpolluting,*
32 *environmentally safe forms of renewable energy*
33 *resources, to reduce the state's dependence on*
34 *depletable fuel supplies, and to reduce the economic*
35 *impact of future oil shortages and price increases, it is*
36 *necessary that his act take effect immediately.*

Senate Bill No. 928

Passed the Senate August 29, 1988

Secretary of the Senate

Passed the Assembly August 23, 1988

Chief Clerk of the Assembly

This bill was received by the Governor this _____
day of _____, 1988, at _____ o'clock ____ M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 25120 and 25540.6 of, and to add Section 25140 to, the Public Resources Code, relating to energy resources, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 928, Rogers. Energy resources: thermal powerplants.

(1) The existing State Energy Resources Conservation and Development Act defines a thermal powerplant for purposes of that act.

This bill would specify that a wind, hydroelectric, or solar photovoltaic electric generating facility is not a thermal powerplant for purposes of the act.

(2) The act eliminates the requirement for a notice of intention, and requires the State Energy Resources Conservation and Development Commission to issue its final decision within 12 months on an application for certification of specified types of thermal powerplants, or modification thereof.

This bill would include within these provisions an application for certification of a solar thermal powerplant, as defined.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 25120 of the Public Resources Code is amended to read:

25120. "Thermal powerplant" means any stationary or floating electrical generating facility using any source of thermal energy, with a generating capacity of 50 megawatts or more, and any facilities appurtenant thereto. Exploratory, development, and production wells, resource transmission lines, and other related facilities used in connection with a geothermal exploratory project or a geothermal field development

project are not appurtenant facilities for the purposes of this division.

“Thermal powerplant” does not include any wind, hydroelectric, or solar photovoltaic electrical generating facility.

SEC. 2. Section 25140 is added to the Public Resources Code, to read:

25140. “Solar thermal powerplant” means a thermal powerplant in which 75 percent or more of the total energy output is from solar energy and the use of backup fuels, such as oil, natural gas, and coal, does not, in the aggregate, exceed 25 percent of the total energy input of the facility during any calendar year period.

SEC. 3. Section 25540.6 of the Public Resources Code is amended to read:

25540.6. Notwithstanding any other provision of law, no notice of intention is required, and the commission shall issue its final decision on the application, as specified in Section 25523, within 12 months after the filing of the application for certification of the powerplant and related facility or facilities, or at any later time as is mutually agreed by the commission and the applicant, for any of the following:

(a) A thermal powerplant which will employ cogeneration technology, or a solar thermal powerplant. Such a facility may not exceed 300 megawatts unless the commission, by regulation, authorizes a greater capacity.

(b) A modification of an existing facility.

(c) A thermal powerplant which it is only technologically or economically feasible to site at or near the energy source.

(d) A thermal powerplant with a generating capacity of up to 100 megawatts.

(e) A thermal powerplant designed to develop or demonstrate technologies which have not previously been built or operated on a commercial scale. Such a research, development, or commercial demonstration project may include, but is not limited to, the use of renewable or alternative fuels, improvements in energy conversion efficiency, or the use of advanced pollution control systems. Such a facility may not exceed 300

megawatts unless the commission, by regulation, authorizes a greater capacity. Section 25524 does not apply to such a powerplant and related facility or facilities.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure and expedite the development of solar energy facilities, which are nonpolluting, environmentally safe forms of renewable energy resources, to reduce the state's dependence on depletable fuel supplies, and to reduce the economic impact of future oil shortages and price increases, it is necessary that his act take effect immediately.

Approved _____, 1988

Governor

Senate Bill No. 928

CHAPTER 965

An act to amend Sections 25120 and 25540.6 of, and to add Section 25140 to, the Public Resources Code, relating to energy resources, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 1988. Filed with Secretary of State September 19, 1988.]

LEGISLATIVE COUNSEL'S DIGEST

SB 928, Rogers. Energy resources: thermal powerplants.

(1) The existing State Energy Resources Conservation and Development Act defines a thermal powerplant for purposes of that act.

This bill would specify that a wind, hydroelectric, or solar photovoltaic electric generating facility is not a thermal powerplant for purposes of the act.

(2) The act eliminates the requirement for a notice of intention, and requires the State Energy Resources Conservation and Development Commission to issue its final decision within 12 months on an application for certification of specified types of thermal powerplants, or modification thereof.

This bill would include within these provisions an application for certification of a solar thermal powerplant, as defined.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 25120 of the Public Resources Code is amended to read:

25120. "Thermal powerplant" means any stationary or floating electrical generating facility using any source of thermal energy, with a generating capacity of 50 megawatts or more, and any facilities appurtenant thereto. Exploratory, development, and production wells, resource transmission lines, and other related facilities used in connection with a geothermal exploratory project or a geothermal field development project are not appurtenant facilities for the purposes of this division.

"Thermal powerplant" does not include any wind, hydroelectric, or solar photovoltaic electrical generating facility.

SEC. 2. Section 25140 is added to the Public Resources Code, to read:

25140. "Solar thermal powerplant" means a thermal powerplant in which 75 percent or more of the total energy output is from solar energy and the use of backup fuels, such as oil, natural gas, and coal,

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does not, in the aggregate, exceed 25 percent of the total energy input of the facility during any calendar year period.

SEC. 3. Section 25540.6 of the Public Resources Code is amended to read:

25540.6. Notwithstanding any other provision of law, no notice of intention is required, and the commission shall issue its final decision on the application, as specified in Section 25523, within 12 months after the filing of the application for certification of the powerplant and related facility or facilities, or at any later time as is mutually agreed by the commission and the applicant, for any of the following:

(a) A thermal powerplant which will employ cogeneration technology, or a solar thermal powerplant. Such a facility may not exceed 300 megawatts unless the commission, by regulation, authorizes a greater capacity.

(b) A modification of an existing facility.

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In order to ensure and expedite the development of solar energy facilities, which are nonpolluting, environmentally safe forms of renewable energy resources, to reduce the state's dependence on depletable fuel supplies, and to reduce the economic impact of future oil shortages and price increases, it is necessary that his act take effect immediately.