

Assembly Bill No. 1073

CHAPTER 14

An act to amend Section 25500.1 of the Public Resources Code, relating to energy, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 2012. Filed with
Secretary of State May 23, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1073, Fuentes. Energy: solar thermal powerplants: conversion to solar photovoltaic technology.

(1) Existing law vests the State Energy Resources Conservation and Development Commission with the exclusive jurisdiction to certify thermal powerplants. Under the California Environmental Quality Act (CEQA), the certification of a thermal powerplant is a certified regulatory program and is therefore exempt from certain requirements of CEQA. A thermal powerplant does not include a solar photovoltaic electrical generating facility. However, existing law provides that the thermal powerplant certification process applies to owners of specified proposed solar thermal powerplants who are proposing to convert the proposed facility from solar thermal technology to solar photovoltaic technology if the proposed solar thermal powerplant project has been certified by the commission. Existing law provides that the thermal powerplant certification process does not apply to the proposed conversion if the certification of the proposed solar thermal powerplant was timely challenged.

This bill would provide that the thermal powerplant certification process would apply to a proposed conversion of a solar thermal powerplant that was timely challenged if the challenge was subsequently dismissed by the California Supreme Court.

(2) This 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 25500.1 of the Public Resources Code is amended to read:

25500.1. (a) The owner of a proposed solar thermal powerplant, for which an application for certification was filed with the commission after August 15, 2007, and certified by the commission and, of a project on federal land, for which a record of decision was issued by the Department of the Interior or the Bureau of Land Management before September 1, 2011, may petition the commission not later than June 30, 2012, to review an

amendment to the facility's certificate to convert the facility, in whole or in part, from solar thermal technology to photovoltaic technology, without the need to file an entirely new application for certification or notice of intent pursuant to Section 25502, provided that the commission prepares supplemental environmental review documentation, provides for public notice and comment on the supplemental environmental review, and holds at least one public hearing on the proposal.

(b) The Department of Fish and Game and the State Water Resources Board shall provide comments to the commission on the water resource and water quality effects of the proposed powerplants. The commission shall incorporate all feasible mitigation measures identified by the department and the board.

(c) For a facility specified in subdivision (a), this chapter shall continue to apply, notwithstanding that the facility or part of the facility would otherwise be excluded pursuant to Section 25120.

(d) The commission shall process a petition submitted under this section pursuant to Section 1769 of Title 20 of the California Code of Regulations.

(e) This section shall not apply to any project if the project's certificate was timely challenged pursuant to Section 25531, unless the challenge was subsequently dismissed by the California Supreme Court.

(f) This section does not abrogate a party's right to challenge a project's certification pursuant to Section 25531 or any other provision of law.

SEC. 2. 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:

To expedite the construction of a proposed facility that is converting from solar thermal to solar photovoltaic technology for the protection of public health and the environment, it is necessary for this measure to take effect immediately.