

ASSEMBLY BILL

No. 2378

Introduced by Assembly Member Tran

February 19, 2010

An act to amend Section 25741 to the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2378, as introduced, Tran. Energy: renewable energy program.

Existing law establishes the renewable energy resources program that is administered by the State Energy Resources Conservation and Development Commission to increase the amount of electricity generated from eligible renewable energy resources per year. Existing law defines various terms for the purposes of the program.

This bill would define “dual renewable energy device” for the purposes of the program.

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

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

- 1 SECTION 1. Section 25741 of the Public Resources Code is
- 2 amended to read:
- 3 25741. As used in this chapter, the following terms have the
- 4 following meaning:
- 5 (a) “Delivered” and “delivery” mean the electricity output of
- 6 an in-state renewable electricity generation facility that is used to
- 7 serve end-use retail customers located within the state. Subject to
- 8 verification by the accounting system established by the

commission pursuant to subdivision (b) of Section 399.13 of the Public Utilities Code, electricity shall be deemed delivered if it is either generated at a location within the state, or is scheduled for consumption by California end-use retail customers. Subject to criteria adopted by the commission, electricity generated by an eligible renewable energy resource may be considered “delivered” regardless of whether the electricity is generated at a different time from consumption by a California end-use customer.

(b) “Dual renewable energy device” means a device that utilizes two different renewable energy generating technologies in the same device where neither renewable generating technology produces less than 20 percent of the total energy production by the device.

~~(b)~~

(c) “In-state renewable electricity generation facility” means a facility that meets all of the following criteria:

(1) The facility uses biomass, solar thermal, photovoltaic, wind, geothermal, fuel cells using renewable fuels, small hydroelectric generation of 30 megawatts or less, digester gas, municipal solid waste conversion, landfill gas, ocean wave, ocean thermal, or tidal current, and any additions or enhancements to the facility using that technology.

(2) The facility satisfies one of the following requirements:

(A) The facility is located in the state or near the border of the state with the first point of connection to the transmission network within this state and electricity produced by the facility is delivered to an in-state location.

(B) The facility has its first point of interconnection to the transmission network outside the state and satisfies all of the following requirements:

(i) It is connected to the transmission network within the Western Electricity Coordinating Council (WECC) service territory.

(ii) It commences initial commercial operation after January 1, 2005.

(iii) Electricity produced by the facility is delivered to an in-state location.

(iv) It will not cause or contribute to any violation of a California environmental quality standard or requirement.

1 (v) If the facility is outside of the United States, it is developed
2 and operated in a manner that is as protective of the environment
3 as a similar facility located in the state.

4 (vi) It participates in the accounting system to verify compliance
5 with the renewables portfolio standard by retail sellers, once
6 established by the Energy Commission pursuant to subdivision
7 (b) of Section 399.13 of the Public Utilities Code.

8 (C) The facility meets the requirements of clauses (i), (iii), (iv),
9 (v), and (vi) in subparagraph (B), but does not meet the
10 requirements of clause (ii) *in subparagraph (B)* because it
11 commences initial operation prior to January 1, 2005, if the facility
12 satisfies either of the following requirements:

13 (i) The electricity is from incremental generation resulting from
14 expansion or repowering of the facility.

15 (ii) The facility has been part of the existing baseline of eligible
16 renewable energy resources of a retail seller established pursuant
17 to paragraph (2) of subdivision (b) of Section 399.15 of the Public
18 Utilities Code or has been part of the existing baseline of eligible
19 renewable energy resources of a local publicly owned electric
20 utility established pursuant to Section 387 of the Public Utilities
21 Code.

22 (3) For—~~the~~ purposes of this subdivision, “solid waste
23 conversion” means a technology that uses a noncombustion thermal
24 process to convert solid waste to a clean-burning fuel for the
25 purpose of generating electricity, and that meets all of the following
26 criteria:

27 (A) The technology does not use air or oxygen in the conversion
28 process, except ambient air to maintain temperature control.

29 (B) The technology produces no discharges of air contaminants
30 or emissions, including greenhouse gases as defined in Section
31 38505 of the Health and Safety Code.

32 (C) The technology produces no discharges to surface *waters*
33 or groundwaters of the state.

34 (D) The technology produces no hazardous wastes.

35 (E) To the maximum extent feasible, the technology removes
36 all recyclable materials and marketable green waste compostable
37 materials from the solid waste stream prior to the conversion
38 process and the owner or operator of the facility certifies that those
39 materials will be recycled or composted.

1 (F) The facility at which the technology is used is in compliance
2 with all applicable laws, regulations, and ordinances.

3 (G) The technology meets any other conditions established by
4 the commission.

5 (H) The facility certifies that any local agency sending solid
6 waste to the facility diverted at least 30 percent of all solid waste
7 it collects through solid waste reduction, recycling, and
8 composting. For purposes of this paragraph, “local agency” means
9 any city, county, or special district, or subdivision thereof, which
10 is authorized to provide solid waste handling services.

11 ~~(e)~~

12 ~~(d)~~ “Procurement entity” means any person or corporation that
13 enters into an agreement with a retail seller to procure eligible
14 renewable energy resources pursuant to subdivision (f) of Section
15 399.14 of the Public Utilities Code.

16 ~~(d)~~

17 ~~(e)~~ “Renewable energy public goods charge” means that portion
18 of the nonbypassable system benefits charge authorized to be
19 collected and to be transferred to the Renewable Resource Trust
20 Fund pursuant to the Reliable Electric Service Investments Act
21 (Article 15 (commencing with Section 399) of Chapter 2.3 of Part
22 1 of Division 1 of the Public Utilities Code).

23 ~~(e)~~

24 ~~(f)~~ “Report” means the report entitled “Investing in Renewable
25 Electricity Generation in California” (June 2001, Publication
26 Number P500-00-022) submitted to the Governor and the
27 Legislature by the commission.

28 ~~(f)~~

29 ~~(g)~~ “Retail seller” means a “retail seller” as defined in Section
30 399.12 of the Public Utilities Code.