



August 18, 2016

To: The Honorable Jacqui Irwin  
From: Independent Energy Producers, California Wind Energy Association, and  
Large-scale Solar Association  
Subject: Assembly Bill 2561 – Support

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The California Wind Energy Association, Large-scale Solar Association, and Independent Energy Producers are proud to support and sponsor your AB 2561, which removes the sunset to exclude photovoltaic and wind generation facilities that use no more than 75 acre feet (AF) of water annually from the requirement to perform a water supply assessment (WSA).

Water Code Section 10912 (a)(5) (SB 610 – 2001) was developed to require large water users, those that use the equivalent of a 500 unit housing project, to prepare a WSA as part of the planning process. Because of the conjunctive nature of the statute however (see below), a renewable energy facility would be deemed an "industrial plant" within this definition and subject to a WSA requirement because most utility-scale renewable projects occupy more than 40 acres of land.

*"(5) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area."*

While preparing a WSA is not an impossible requirement, WSAs can be complex, particularly where groundwater is used and no Urban Water Management Plan has been prepared (typically most cases because renewable projects are not located in urban areas). Additionally, preparing a WSA is expensive and can add several months to the process; it's been estimated that a WSA would cost \$20k- \$50k to prepare and take 2-5 months.

To address this, in 2011 legislation was passed (78-0 in the Assembly and 27-1 in the Senate) and signed into law to exclude certain renewable projects using less than 75 AF of water from the WSA requirement. That legislation contained a January 2017 sunset. In the nearly five years since the exclusion was enacted, there have been no problems identified

It is important to note that these projects use very little water. At a time when the state is trying to encourage renewable development to meet its RPS and GHG goals, it is important to maintain this exemption. For these reasons, we support AB 2561 and thank you for your leadership on this important issue.