Chapter 372

(Senate Bill 1158)

AN ACT concerning

~~Power Plant Research Program~~ Department of Natural Resources – Solar Generation Facilities – Pollinator–Friendly Designation

FOR the purpose of requiring the power plant research program of the Department of Natural Resources to include in its research an evaluation of the pollinator benefits that would occur under a certain standard or plan implemented on the land on which a certain solar generation facility is located; requiring the ~~power plant research program~~ Department to designate a certain solar facility as ~~pollinator friendly~~ pollinator–friendly under certain circumstances; requiring the Department to adopt a certain scorecard for certain solar generation facilities; providing that a solar generation facility may receive a certain designation only by the Department; prohibiting the owner of a solar generation facility from making certain claims unless the facility has received a certain designation; requiring an owner of a pollinator–friendly solar generation facility to provide appropriate maintenance of the pollinator vegetation; requiring the owner of a certain solar generation facility to make certain standards and plans available to ~~certain entities;~~ a certain entity; authorizing the Department to charge an owner of a solar generation facility a certain fee to cover certain costs; requiring the Department ~~of Natural Resources~~ to adopt certain regulations; making stylistic changes; and generally relating to the ~~power plant research program~~ designation of solar generation facilities as pollinator–friendly.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 3–303
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

BY adding to
Article – Natural Resources
Section 3–303.1
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Natural Resources

3–303.

(a) **(1)** The Secretary, in consultation with the Director of the Maryland Energy Administration and in cooperation with the Secretaries of the Environment, Agriculture, and Commerce and the Director of Planning and electric company representatives shall implement a continuing research program for electric power plant site evaluation and related environmental and land use considerations.

(2) (I) The Secretary shall seek from additional sources recommendations for related research to be included in the program.

(II) The additional sources shall include appropriate federal and State agencies, electric companies and technical, scientific**,** or educational institutions or organizations.

(3) (I) The Secretary**,** in consultation with the Director of the Maryland Energy Administration**,** shall institute effective procedures for coordinating environmental research assignments to prevent dissipation of money, time, and effort.

(II) To this end, the State's electric companies shall be reimbursed from the Fund for environmental research specifically required to satisfy application and permit requirements for any federal, State, or local regulatory agencies, if the electric company has requested reimbursement in advance and furnishes an outline of the program and its estimated cost so that the Secretary can budget it in advance.

(b) The program shall include:

(1) General biological and ecological baseline studies, including, but not limited to, appropriate environmental studies of the biology, physics, and chemistry of the Chesapeake Bay and tributaries; sediment and biological surveys to determine and identify essential marine organism nursery areas of the State's waters, including the Chesapeake Bay and tributaries; epibenthos; bottom species; crab; finfish and human use studies;

(2) Research to assist prediction, including but not limited to experimental research, field and laboratory, and the development and provision for physical, mathematical, and biological modeling tools to assist in determining and evaluating the effects of variation of natural waters resulting from electric generating plant operations including changes in temperature, oxygen levels, salinity, biocides, radionuclides, and "heavy" metals. This research also includes collection and organization of relevant information and data necessary to operate physical, mathematical, and biological modeling tools;

(3) Provisions for monitoring operations of electric power facilities located in the State. These provisions include but are not limited to a determination of actual distribution and effect of temperature, salinity, oxygen, radionuclides, "heavy" metals, and biological effects; radiological; "heavy" metals and biocide effects; recreational and commercial fishing gains and losses; and human health and welfare effects;

(4) Research and investigations relating to effects on air resources of electric power plants and effects of air pollutants from power plants on public health and welfare, vegetation, animals, materials, and esthetic values, including baseline studies, predictive modeling, and monitoring of the air mass at sites of proposed or operating electric generating stations, evaluation of new or improved methods for minimizing air pollution from power plants and other matters pertaining to the effect of power plants on the air environment;

(5) An environmental evaluation of electric power plant sites proposed for future development and expansion and their relationship to the waters and air of the State;

(6) **[**Evaluation**]** **AN EVALUATION** of the environmental effects of new electric power generation technologies and extraordinary systems related to power plants designed to minimize environmental effects;

(7) Determining the potential for constructive uses of waste energy to be released at proposed electric plant sites; **[**and**]**

(8) Analysis of the socioeconomic impact of electric power generation facilities on the land uses of the State**; AND**

(9) AN EVALUATION OF THE POLLINATOR BENEFITS THAT WOULD OCCUR UNDER A POLLINATOR–FRIENDLY VEGETATION MANAGEMENT STANDARD OR POLLINATOR HABITAT PLAN IMPLEMENTED ON ~~THE~~ LAND ~~ON~~:

(I) ON WHICH A PROPOSED OR AN EXISTING GROUND–MOUNTED SOLAR GENERATION FACILITY IS LOCATED; AND

(II) THAT DOES NOT INCLUDE LAND THAT IS ADJACENT TO THE LAND ON WHICH THE SOLAR GENERATION FACILITY IS LOCATED.

3–303.1.

(A) THE ~~POWER PLANT RESEARCH PROGRAM~~ DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF AGRICULTURE, SHALL DESIGNATE A SOLAR GENERATION FACILITY AS ~~POLLINATOR FRIENDLY~~ POLLINATOR–FRIENDLY IF THE SOLAR GENERATION FACILITY MEETS THE REQUIREMENTS OF THIS SECTION.

(B) THE DEPARTMENT SHALL ADOPT A SOLAR SITE POLLINATOR HABITAT PLANNING AND ASSESSMENT SCORECARD THAT:

(1) HAS BEEN RECOMMENDED BY THE UNIVERSITY OF MARYLAND BEE LAB;

(2) MAY BE UPDATED OR AMENDED ONLY ONCE EVERY 2 YEARS; AND

(3) APPLIES ONLY TO SOLAR GENERATION FACILITIES.

(C) (1) A SOLAR GENERATION FACILITY MAY BE DESIGNATED AS POLLINATOR–FRIENDLY ONLY BY THE DEPARTMENT.

(2) A SOLAR GENERATION FACILITY MAY BE DESIGNATED BY THE ~~POWER PLANT RESEARCH PROGRAM~~ DEPARTMENT AS ~~POLLINATOR–FRIENDLY~~ POLLINATOR–FRIENDLY IF:

~~(1)~~ (I) THE SOLAR GENERATION FACILITY ~~IS~~:

~~(I)~~ 1. ~~GROUND–MOUNTED~~ IS GROUND–MOUNTED; ~~AND~~

~~(II)~~ 2. ~~AT~~ IS AT LEAST 1 ACRE IN SIZE; AND

3. MEETS OR EXCEEDS THE MINIMUM SCORE IDENTIFIED IN THE SOLAR SITE POLLINATOR HABITAT PLANNING AND ASSESSMENT SCORECARD; AND

~~(2)~~ (II) THE LAND ~~THAT~~ ON WHICH THE SOLAR GENERATION FACILITY IS LOCATED ~~ON~~ IS PLANTED AND MANAGED IN ACCORDANCE WITH A POLLINATOR–FRIENDLY VEGETATION MANAGEMENT STANDARD OR POLLINATOR HABITAT PLAN ~~APPROVED~~ EVALUATED UNDER § 3–303(B)(9) OF THIS SUBTITLE BY THE POWER PLANT RESEARCH PROGRAM.

~~(C)~~ *(D)* THE OWNER OF A SOLAR GENERATION FACILITY MAY NOT CLAIM THAT THE FACILITY IS ~~POLLINATOR–FRIENDLY~~ POLLINATOR–FRIENDLY OR THAT THE FACILITY PROVIDES BENEFITS TO POLLINATORS, SONG BIRDS, OR GAME BIRDS UNLESS THE FACILITY HAS BEEN DESIGNATED AS POLLINATOR–FRIENDLY BY THE ~~POWER PLANT RESEARCH PROGRAM~~ DEPARTMENT IN ACCORDANCE WITH THIS SECTION.

~~(D)~~ *(E)* THE OWNER OF A POLLINATOR–FRIENDLY SOLAR GENERATION FACILITY SHALL PROVIDE APPROPRIATE MAINTENANCE OF THE POLLINATOR VEGETATION.

~~(D)~~ ~~(E)~~ *(F)* THE OWNER OF A POLLINATOR–FRIENDLY SOLAR GENERATION FACILITY SHALL MAKE THE FACILITY'S POLLINATOR–FRIENDLY VEGETATION MANAGEMENT STANDARD OR POLLINATOR HABITAT PLAN EVALUATED UNDER § 3–303(B)(9) OF THIS SUBTITLE BY THE POWER PLANT RESEARCH PROGRAM AVAILABLE TO:

~~(1) THE DEPARTMENT; AND~~

~~(2)~~ ~~THE~~ THE MARYLAND, DC, AND VIRGINIA SOLAR ENERGY INDUSTRIES ASSOCIATION OR OTHER NONPROFIT SOLAR INDUSTRY TRADE ASSOCIATIONS.

~~(E)~~ ~~(F)~~ *(G)* NOTHING IN THIS SECTION RESTRICTS ANY FARMING PRACTICES ON ANY LAND ADJACENT TO THE LAND ON WHICH A SOLAR GENERATION FACILITY IS LOCATED.

~~(G)~~ *(H)* THE DEPARTMENT MAY CHARGE THE OWNER OF A SOLAR GENERATION FACILITY A REASONABLE FEE TO COVER COSTS ASSOCIATED WITH DESIGNATING THE SOLAR GENERATION FACILITY AS POLLINATOR–FRIENDLY.

~~(H)~~ *(I)* THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

Approved by the Governor, May 4, 2017.