

# HOUSE BILL 298

C5, K3

(PRE-FILED)

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CF SB 83

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By: **Delegate Charkoudian**

Requested: August 28, 2020

Introduced and read first time: January 13, 2021

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Utility Regulation – Consideration of Climate and Labor**

3 FOR the purpose of requiring the Secretary of the Environment to prepare a certain  
4 recommendation in connection with certain issues considered by the Public Service  
5 Commission; requiring the Secretary of Natural Resources to incorporate an  
6 evaluation of the impact of certain electric power plants on climate change into the  
7 Power Plant Research Program; expanding the required components of the research  
8 program; requiring the Commission to consider the maintenance of fair and stable  
9 labor standards for affected workers and the protection of the global climate in  
10 supervising and regulating certain public service companies; requiring each gas  
11 company and electric company to submit certain employment information to the  
12 Commission on or before a certain date each year; requiring the Commission to  
13 submit certain information to the General Assembly on or before a certain date each  
14 year; requiring the Commission to consider, before taking final action on a certain  
15 application, the effects of climate change on the operation of certain structures, the  
16 impact of certain generation stations on statewide greenhouse gas emissions, and  
17 the consistency of the application with the State's climate commitments; making  
18 stylistic changes; and generally relating to the consideration of climate change and  
19 labor in the regulation of utilities in the State.

20 BY repealing and reenacting, with amendments,  
21 Article – Environment  
22 Section 2–405(a)  
23 Annotated Code of Maryland  
24 (2013 Replacement Volume and 2020 Supplement)

25 BY repealing and reenacting, with amendments,  
26 Article – Natural Resources  
27 Section 3–303  
28 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2018 Replacement Volume and 2020 Supplement)

2 BY repealing and reenacting, with amendments,  
3 Article – Public Utilities  
4 Section 2–113 and 7–207(e)  
5 Annotated Code of Maryland  
6 (2020 Replacement Volume and 2020 Supplement)

7 BY adding to  
8 Article – Public Utilities  
9 Section 7–108  
10 Annotated Code of Maryland  
11 (2020 Replacement Volume and 2020 Supplement)

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

14 **Article – Environment**

15 2–405.

16 (a) (1) **(I)** Whenever the Public Service Commission notifies the Secretary  
17 of an application for a certificate of public convenience and necessity under § 7–207 of the  
18 Public Utilities Article, the Secretary shall prepare a recommendation in connection with  
19 the permit or registration required by this subtitle **AND THE ISSUES THE PUBLIC**  
20 **SERVICE COMMISSION MUST CONSIDER UNDER § 7–207 OF THE PUBLIC UTILITIES**  
21 **ARTICLE RELATING TO CLIMATE CHANGE.**

22 **(II)** The recommendation shall be presented at the hearing required  
23 by § 7–207 of the Public Utilities Article.

24 (2) The recommendation shall identify the requirements of all applicable  
25 federal and State environmental laws and standards and shall recommend and evaluate  
26 various methods and conditions for compliance.

27 (3) If a person files an application for an operating permit under this  
28 subtitle simultaneously with an application for a certificate, the Department shall  
29 consolidate its procedures for the issuance of the operating permit with the Public Service  
30 Commission’s proceedings for issuance of the certificate and shall issue the operating  
31 permit simultaneously with the certificate unless consolidation would be inconsistent with  
32 the procedures set forth in the federal Clean Air Act.

33 (4) The Department shall incorporate into the initial operating permit the  
34 conditions of the certificate which relate to air quality control.

35 **Article – Natural Resources**

1 3-303.

2 (a) (1) The Secretary, in consultation with the Director of the Maryland  
3 Energy Administration and in cooperation with the Secretaries of the Environment,  
4 Agriculture, [and] Commerce, and [the Director of] Planning and electric company  
5 representatives shall implement a continuing research program for electric power plant  
6 site evaluation [and], related environmental and land use considerations, **AND THE**  
7 **EVALUATION OF THE IMPACT OF ELECTRIC POWER PLANTS ON CLIMATE CHANGE.**

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

10 (ii) The additional sources shall include appropriate federal and  
11 State agencies, electric companies and technical, scientific, or educational institutions or  
12 organizations.

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

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

21 (b) The program shall include:

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

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

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

1 commercial fishing gains and losses; and human health and welfare effects;

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

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

11 (6) An evaluation of the environmental effects of new electric power  
12 generation technologies and extraordinary systems related to power plants designed to  
13 minimize environmental effects;

14 (7) Determining the potential for constructive uses of waste energy to be  
15 released at proposed electric plant sites;

16 (8) Analysis of the socioeconomic impact of electric power generation  
17 facilities on the land uses of the State; [and]

18 (9) An evaluation of the pollinator benefits that would occur under a  
19 pollinator-friendly vegetation management standard or pollinator habitat plan  
20 implemented on land:

21 (i) On which a proposed or an existing ground-mounted solar  
22 generation facility is located; and

23 (ii) That does not include land that is adjacent to the land on which  
24 the solar generation facility is located; AND

25 **(10) AN EVALUATION OF:**

26 **(I) THE GREENHOUSE GAS EMISSIONS AND CLIMATE EFFECTS**  
27 **OF DIFFERENT ELECTRIC POWER GENERATION TECHNOLOGIES BASED ON THE BEST**  
28 **AVAILABLE SCIENTIFIC INFORMATION RECOGNIZED BY THE INTERGOVERNMENTAL**  
29 **PANEL ON CLIMATE CHANGE; AND**

30 **(II) WHETHER THE GREENHOUSE GAS EMISSIONS AND CLIMATE**  
31 **EFFECTS OF ELECTRIC POWER GENERATION TECHNOLOGIES ARE CONSISTENT WITH**  
32 **THE STATE'S CLIMATE COMMITMENTS FOR REDUCING STATEWIDE GREENHOUSE**  
33 **GAS EMISSIONS, INCLUDING THOSE SPECIFIED IN TITLE 2, SUBTITLE 12 OF THE**  
34 **ENVIRONMENT ARTICLE.**

Article – Public Utilities

2–113.

(a) (1) The Commission shall:

(i) supervise and regulate the public service companies subject to the jurisdiction of the Commission to:

1. ensure their operation in the interest of the public; and

2. promote adequate, economical, and efficient delivery of utility services in the State without unjust discrimination; and

(ii) enforce compliance with the requirements of law by public service companies, including requirements with respect to financial condition, capitalization, franchises, plant, manner of operation, rates, and service.

(2) In supervising and regulating public service companies, the Commission shall consider:

(I) the public safety[.];

(II) the economy of the State[.];

**(III) THE MAINTENANCE OF FAIR AND STABLE LABOR STANDARDS FOR AFFECTED WORKERS;**

(IV) the conservation of natural resources[, and];

**(V) the preservation of environmental quality, INCLUDING PROTECTION OF THE GLOBAL CLIMATE FROM CONTINUED SHORT-TERM AND LONG-TERM WARMING BASED ON THE BEST AVAILABLE SCIENTIFIC INFORMATION RECOGNIZED BY THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE; AND**

**(VI) THE ACHIEVEMENT OF THE STATE’S CLIMATE COMMITMENTS FOR REDUCING STATEWIDE GREENHOUSE GAS EMISSIONS, INCLUDING THOSE SPECIFIED IN TITLE 2, SUBTITLE 12 OF THE ENVIRONMENT ARTICLE.**

(b) The powers and duties listed in this title do not limit the scope of the general powers and duties of the Commission provided for by this division.

7–108.

1           (A) ON OR BEFORE JANUARY 31 EACH YEAR, EACH GAS COMPANY AND  
2 ELECTRIC COMPANY SHALL SUBMIT TO THE COMMISSION INFORMATION FOR THE  
3 PREVIOUS CALENDAR YEAR RELATED TO CONTRACTED-OUT CONSTRUCTION  
4 WORKER WAGE AND BENEFIT INFORMATION RELATED TO CAPITAL CONSTRUCTION  
5 AND INFRASTRUCTURE REPAIR PROJECTS PERFORMED BY CONTRACTORS OR  
6 SUBCONTRACTORS, INCLUDING:

7           (1) THE TRADE CLASSIFICATION FOR EACH CONTRACTED-OUT  
8 CONSTRUCTION WORKER;

9           (2) FOR EACH TRADE CLASSIFICATION:

10           (I) THE NUMBER OF APPRENTICES WORKING ON THE PROJECT;

11           (II) THE HOURLY WAGE FOR EACH CONTRACTED-OUT  
12 CONSTRUCTION WORKER;

13           (III) THE FRINGE BENEFITS PROVIDED TO EACH  
14 CONTRACTED-OUT CONSTRUCTION WORKER;

15           (IV) THE HEALTH CARE BENEFITS PROVIDED TO EACH  
16 CONTRACTED-OUT CONSTRUCTION WORKER, INCLUDING THE COSTS OF THE  
17 HEALTH CARE BENEFITS;

18           (V) THE TOTAL HOURS OF WORK PERFORMED BY  
19 CONTRACTED-OUT CONSTRUCTION WORKERS EACH WEEK;

20           (VI) THE TOTAL NUMBER OF FULL-TIME CONTRACTED-OUT  
21 CONSTRUCTION WORKERS; AND

22           (VII) THE TOTAL NUMBER OF PART-TIME CONTRACTED-OUT  
23 CONSTRUCTION WORKERS; AND

24           (3) FOR EACH CONTRACTED-OUT CONSTRUCTION WORKER,  
25 WHETHER THE WORKER RESIDES IN THE STATE.

26           (B) ON OR BEFORE JUNE 1 EACH YEAR, THE COMMISSION SHALL SUBMIT  
27 THE INFORMATION PROVIDED UNDER SUBSECTION (A) OF THIS SECTION TO THE  
28 GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT  
29 ARTICLE.

1 (e) The Commission shall take final action on an application for a certificate of  
2 public convenience and necessity only after due consideration of:

3 (1) the recommendation of the governing body of each county or municipal  
4 corporation in which any portion of the construction of the generating station, overhead  
5 transmission line, or qualified generator lead line is proposed to be located;

6 (2) the effect of the generating station, overhead transmission line, or  
7 qualified generator lead line on:

8 (i) the stability and reliability of the electric system;

9 (ii) economics;

10 (iii) esthetics;

11 (iv) historic sites;

12 (v) aviation safety as determined by the Maryland Aviation  
13 Administration and the administrator of the Federal Aviation Administration;

14 (vi) when applicable, air quality and water pollution; and

15 (vii) the availability of means for the required timely disposal of  
16 wastes produced by any generating station; [and]

17 **(3) THE EFFECT OF CLIMATE CHANGE ON THE GENERATING STATION,**  
18 **OVERHEAD TRANSMISSION LINE, OR QUALIFIED GENERATOR LEAD LINE BASED ON**  
19 **THE BEST AVAILABLE SCIENTIFIC INFORMATION RECOGNIZED BY THE**  
20 **INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE; AND**

21 ~~[(3)]~~ (4) for a generating station:

22 (i) the consistency of the application with the comprehensive plan  
23 and zoning of each county or municipal corporation where any portion of the generating  
24 station is proposed to be located; [and]

25 (ii) the efforts to resolve any issues presented by a county or  
26 municipal corporation where any portion of the generating station is proposed to be located;

27 **(III) THE IMPACT OF THE GENERATING STATION ON THE**  
28 **QUANTITY OF ANNUAL AND LONG-TERM STATEWIDE GREENHOUSE GAS EMISSIONS,**  
29 **MEASURED IN THE MANNER SPECIFIED IN § 2-1202 OF THE ENVIRONMENT ARTICLE**  
30 **AND BASED ON THE BEST AVAILABLE SCIENTIFIC INFORMATION RECOGNIZED BY**  
31 **THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE; AND**

1                   **(IV) THE CONSISTENCY OF THE APPLICATION WITH THE STATE'S**  
2 **CLIMATE COMMITMENTS FOR REDUCING STATEWIDE GREENHOUSE GAS EMISSIONS,**  
3 **INCLUDING THOSE SPECIFIED IN TITLE 2, SUBTITLE 12 OF THE ENVIRONMENT**  
4 **ARTICLE.**

5           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2021.