



## House Bill 1407

### *County Tier 1 Renewable Sources – Generating Systems, Capacity, and Generation – Prohibition, Studies, and Plans*

MACo Position: **OPPOSE**

To: Economic Matters Committee

Date: February 29, 2024

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The Maryland Association of Counties (MACo) **OPPOSES** HB 1407. This bill, among other actions, totally undermines county environmental protections and siting authority for energy generating systems listed as a Tier 1 renewable resource.

In 2004, in a move intended to emphasize and incentivize development of certain renewable energy projects, the State created the Maryland Renewable Energy Portfolio Standards (RPS). The RPS were divided into Tier 1 & Tier 2, with Tier 1 being composed of the energy sources state policymakers wanted to prioritize. Currently, Tier 1 contains: (1) solar energy; (2) wind energy; (3) qualifying biomass; (4) methane from anaerobic digestion in a landfill or wastewater treatment plant; (5) geothermal energy; (6) ocean energy; (7) a fuel cell that produces electricity from qualifying biomass or methane from anaerobic digestion; (8) small hydroelectric power plants; (9) poultry litter-to-energy; (10) waste-to-energy; (11) refuse-derived fuel; (12) thermal energy; and (13) raw or treated wastewater used as a heat source or sink for heating or cooling systems.

If enacted, HB 1407 would totally eviscerate county environmental protections and siting authority for all items within Tier 1. **Effectively, this would divorce Maryland from all principles of Environmental Justice, the core tenant of which is the meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in decision-making and activities that affect human health and the environment.** In practice, this would mean counties have no authority to prevent trash incinerators next to schools or in residential areas, poultry litter-to-energy or other facilities on prime and productive agricultural land, or other sources of energy from this lengthy list from overtaking conservation or preservation areas.

Additionally, HB 1407 establishes a regime where the Public Service Commission (PSC) must develop energy generation targets for each county and then hold each jurisdiction to meeting those targets within 10 years. Fundamentally, this policy lacks an understanding of the nuances and realities of the issue, and dramatically overstates the ability of local jurisdictions to invite development by energy generators. By completely eliminating local environmental protection and land use authority, counties have zero ability to offer any type of incentive other than financial. And just as the State is reeling with

ballooning deficits, counties too are grappling with tighter budgets and weaker revenues, largely due to state-mandated spending on items such as the Blueprint for Maryland's Future.

If implemented, HB 1407 will do irrevocable harm to Marylanders and will be a complete abandonment of the environmental justice principles that the Governor and General Assembly have been promoting. For all the reasons listed above, MACo urges the Committee to issue HB 1407 an **UNFAVORABLE** report.