



Kim Coble
Executive Director

2024 Board of
Directors

Lynn Heller, Chair
The Hon. Nancy Kopp,
Treasurer
Kimberly Armstrong
Candace Dodson-Reed
Verna Harrison
Melanie Hartwig-Davis
Charles Hernick
The Hon. Steve Lafferty
Patrick Miller
Bonnie L. Norman
Katherine (Kitty)
Thomas

February 29, 2024

**Favorable With Amendments: HB1407 - County Tier 1 Renewable Sources -
Generating Systems, Capacity, and Generation - Prohibition, Studies, and Plans**

Mr. Chair and Members of the Committee:

Maryland LCV supports the goals advanced in HB1407 - County Tier 1 Renewable Sources - Generating Systems, Capacity, and Generation - Prohibition, Studies, and Plans, and thank Chair Wilson for his leadership on this issue. We support this legislation, however respectfully request that the Committee consider amendments to strengthen the policies proposed and further ensure that they align with state goals.

In 2019, the Maryland General Assembly, and this Committee passed the Clean Energy Jobs Act which set ambitious goals for renewable energy development in Maryland, including a requirement that 14.5 percent of our Renewable Energy Portfolio Standard be achieved from solar generation. These goals were further strengthened by the Moore-Miller Administration's commitment to reaching 100% clean energy by 2035. As we work to achieve these goals, it will require participation by the whole state, although not necessarily in equal measure.

HB1407 requires the Public Service Commission to identify for each county the capacity, as well as energy generation from renewable sources required to meet the state renewable energy goals. Using these reports, each county will be required to conduct their own studies on their capacity to satisfy its energy generation responsibilities, and create a renewable energy compliance and oversight plan.

We applaud the underlying philosophy of this legislation, and the broad structure proposed for implementation. However, we urge the Committee to adopt the following concepts to strengthen the legislation.

1. In section 4-211.1. (B), the bill prohibits any zoning laws or regulations that restrict or prohibit the construction or operation of energy generating systems, or facilities that are Tier 1 renewable sources. As drafted, this prohibition is too broad, and could undermine important local and county environmental regulations that support state goals beyond those relevant to renewable energy generation.

- We recommend replacing the language to specify that counties may not adopt zoning laws or other regulations that functionally or explicitly prevent **commercial solar, wind, or geothermal energy development**, including prohibitions on soil classifications. Counties may require ground-mounted solar development to meet certain reasonable design considerations, including limiting grading and forbidding the removal of topsoil, requiring native vegetation mixes or other appropriate protections to maintain soil integrity, and requiring effective stormwater management, which may include avoiding unnecessary soil compaction.
2. This legislation mandates the creation of a series of studies and plans at both the state and county levels - each of which will prove an essential step in achieving our renewable energy goals. While the legislation does not specifically require either the Public Service Commission or the Counties to address concerns related to the siting of renewable energy projects, land-use and non-energy state goals will be important to consider in addition to the factors identified in this legislation. Additionally, while we acknowledge that public engagement and comment periods are standard practice in both state and county reports of the kind mandated in this legislation, the heightened sensitivities in much of the state to solar development requires additional attention to this practice.
- We recommend specifying that, in the creation of its report on energy distribution, the Public Service Commission work in concert with other state agencies including the Maryland Energy Administration, and the Departments of Environment, Planning, Natural Resources, and Agriculture.
 - We recommend that for both the state and county reports and plans, preliminary reports be issued, and that opportunities for robust public and stakeholder comment and engagement - including public meetings - be held before final reports and plans are issued.
 - Additionally, the Committee may consider adding additional questions for the Public Service Commission-led study, including recommendations for best practices of ground-mount solar development in consideration of other state goals.

Maryland LCV looks forward to working with the sponsor and the Committee on amendments that strengthen the goals and objectives of HB1407 in order to fully support its final passage.