

# **Testimony on SB1082 FINAL.pdf**

Uploaded by: Debbie Cohn

Position: FAV

**Committees:** Education, Energy and the Environment; Budget and Taxation  
**Testimony on:** SB1082 Solar Energy and Energy Storage – Development and State Procurement  
**Submitting:** Deborah A. Cohn  
**Position:** Favorable  
**Hearing Date:** March 7, 2024

Thank you for allowing my testimony today regarding SB1082. I urge a favorable report by the Committee.

**The Problem:** The Renewable Portfolio Standard (RPS) calls for 14.5% of Maryland’s clean electricity to be contributed by solar energy by 2030, but the State has repeatedly fallen significantly short of the interim targets. After considerable effort, representatives of the solar industry, counties, and agricultural, land use and environmental groups were unable to agree on a process for allocating among the counties their respective contributions toward meeting the 14.5% goal by 2030, for streamlining the process for obtaining certificates of public convenience and necessity (CPCN) from the Power Plant Research Program (PPRP) in the Department of Natural Resources (DNR), and for balancing Maryland’s goals for protecting and preserving Maryland’s natural resources with support for more solar power generation. Some participants were also concerned that certain counties had land use laws effectively precluding development of utility-scale (2MW or greater) solar energy generating systems in significant swaths of these counties.

**The Solution:** The wide range of issues discussed above have been divided between two bills. Both bills would bring in participation by the Public Service Commission (PSC) and several state agencies. Both changes should be helpful.

HB1407 would proscribe county land use laws that significantly restrict siting of solar energy generation facilities, allocation among counties of the amount of solar energy generating capacity needed in that county, and PSC oversight of county plans to develop more solar generating capacity. It does not directly address streamlining the CPCN process regarding solar energy generating facilities.

SB1082 provides counties information and support for balancing state goals of developing new solar energy generating facilities and protecting and conserving Maryland’s natural resources. These are designed to help counties develop strong plans for promoting significantly more solar energy generation. This testimony reviews four areas of strength in SB1082.

Conservation and Restoration Fund: Meeting the State’s solar energy generation goals may require installation of larger solar generating stations on lands zoned for agricultural or silvicultural use. SB1082 laudably authorizes counties to require developers of solar generating stations on these lands to contribute to a fund to be used to conserve or restore the land and to provide financial incentives for solar development in other parts of the county. These funds will enable counties to protect sensitive lands and incentivize solar installations on developed lands on which installations typically are more expensive.

Utility Scale Solar Design and Siting Advisory Commission. SB1082 would create a Utility-Scale Solar Design and Siting Advisory Commission (Advisory Commission) within the PPRP. The Advisory Commission is tasked with balancing competing goals related to solar energy development and land conservation and preservation. Taking into account these competing land use priorities and taking advantage of siting opportunities on developed land are critical given that Maryland is the [fifth most densely populated state](#), making land a highly constrained resource.

Importantly, SB1082 ensures broad public participation including solar developers, land use and farming interests, rural and developed counties from different regions of the state, relevant state agencies, the PSC and environmental non-profit organizations. That is its strength. With this more limited scope of issues compared with the prior efforts in 2023, and with the participation of state agencies and the PSC, the Advisory Commission may be more successful in achieving consensus than the earlier efforts to balance solar energy development and land conservation and preservation.

State Studies to Help Counties Develop Best Practices. Counties will need to develop local land use priorities to balance solar energy development with protection of agricultural lands and natural resources. The Advisory Commission's recommendations regarding *best practices* for siting solar energy generation stations, *a model policy* for the development of these generating stations in each county, and *methods* by which local jurisdictions may prioritize development of solar energy while protecting local land use priorities may prove very helpful. Also helpful is proposed State Government Article §9-2016 requiring DNR to identify land throughout the state suitable for solar energy development, and to develop a database identifying state land suitable for solar energy development.<sup>1</sup> The technical information provided to the Solar Technical Assistance Program and Section 2 of the bill to ensure additional staff in the PPRP to support and guide local governments on the permitting process for solar energy development also will support counties in developing quality plans to promote solar energy development policies and programs.

Model Permitting Standards for Energy Storage Devices. When seeking to increase solar energy generating stations, ensuring sufficient energy storage devices is also critical. Proposed Public Utilities Article §7-216.2 that would authorize the PSC, with the PPRP and the PSC's Energy Storage Working Group to develop model permitting standards for energy storage devices. Ensuring permitting standards that protect *all* aspects of the public interest, including rapid deployment of energy storage capacity, is appropriate.

**Summary:** SB1082 provides a comprehensive approach to supporting counties in preparing plans that will balance development of more solar energy generation with land conservation and preservation and that are sensitive to local county conditions and priorities. I urge the Committees to issue a **FAVORABLE** report.

Deborah A. Cohn

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<sup>1</sup> References to the Maryland Agricultural Land Preservation Foundation should be deleted.

**FAVORABLE\_SB1082 Support CI Renewables.pdf**

Uploaded by: Josh Smith

Position: FAV



Testimony SB1082:

Solar Energy and Energy Storage - Development and State Procurement

Position: SUPPORT

March 7, 2024

Dear Chair Feldman and EEE,

Two primary challenges to growing the solar industry are land use siting and the long-term procurement of the electricity produced. This legislation would create a path to predictability in the former and encourage the state to take a more active role in procuring solar going forward.

In the jurisdictions we build solar, we have seen numerous changes to the local zoning regulations, and threatened moratoria, on the construction of solar. In every instance, our business model is challenged and projects are sometimes endangered. We also are compelled to fine-tune each project based on local zoning ordinances, which takes time and resources away from building solar to meet Maryland's RPS goals.

When CI is looking to build a new solar project, we have a series of agreements that much be reached before applying for zoning. We negotiate an interconnection with the utility. We negotiate a lease with the landowner. And, unique to CI's model, we often negotiate an off-taker for the energy produced. Uncertainty and arbitrariness in the zoning process convert all of those agreements into at-risk liabilities. We encourage the General Assembly to find ways to minimize these risks whenever possible.

While we understand that sponsor amendments may remove the procurement requirement, we appreciate the original inclusion and encourage the General Assembly to take up more aggressive solar procurement requirements going forward. CI Renewables has executed the largest Power Purchase Agreement in the state in Howard County, but look forward to exceeding that in the years ahead.

We would ask for a FAVORABLE report.

Josh Smith  
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**MML-SB 1082 - FAV.pdf**

Uploaded by: Justin Fiore

Position: FAV



Maryland Municipal League  
*The Association of Maryland's Cities and Towns*

# TESTIMONY

March 7, 2024

**Committee:** Senate Education, Energy, and the Environment Committee

**Bill:** SB 1082 – Solar Energy and Energy Storage – Development and State Procurement

**Position:** Support

**Reason for Position:**

The Maryland Municipal League supports Senate Bill 1082, which would, among other things, provide MML with two seats on a commission to develop model solar siting permits and make recommendations to the Governor and General Assembly on best practices.

This legislation largely represents the agreed areas of policy recommendations from local and industry stakeholders over the 2023 interim. Together, we believe this package of ideas moves the State forward in a responsible manner.

For these reasons the League respectfully requests that this committee provide Senate Bill 1082 with a favorable report.

**FOR MORE INFORMATION CONTACT:**

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Director, Advocacy & Public Affairs

Director, Public Policy & Research

Deputy Director, Advocacy & Public Affairs

**Hester\_SB 1082 Testimony.docx.pdf**

Uploaded by: Katie Fry Hester

Position: FAV



**KATIE FRY HESTER**  
*Legislative District 9*  
Howard and Montgomery Counties

Education, Energy, and  
Environment Committee

Chair, Joint Committee on  
Cybersecurity, Information Technology  
and Biotechnology



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**THE SENATE OF MARYLAND**  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of SB1082: Solar Energy and Energy Storage: Development and State Procurement**

March 6, 2024

Chair Feldman, Vice-Chair Kagan, and members of the Education, Energy, and Environment Committee:

Thank you for your consideration of Senate Bill 1082, Solar Energy and Storage: Development and State Procurement.

My goal in bringing this bill is twofold: First, I want to meet our renewable energy goals. Maryland is moving quickly to expand solar power across the state to ensure that 100% of the electricity consumed in the state is clean energy by 2035. Thus, we must address solar siting issues as soon as possible. Our state is falling behind, not only on our own RPS goals but also compared to other states. To meet these goals, we must think holistically and strategically about how we prioritize adopting renewable energy while also considering competing interests in the State, such as protecting our natural resources and prime land. As we look for suitable land for renewables, the future of solar energy and land use policy have become intertwined. MEA estimates it will take 30,000 acres of land currently in agricultural production, or 1.7% of agricultural land in MD, to meet our state's renewable energy goals with solar.

Second, recognizing the outsized role agricultural land could have in our state's renewable energy transition, our farmers must end up with a fair outcome. Farming already carries financial risks that can be straining. Solar offers a unique opportunity. A farmer could lease a fraction of their acreage to a solar company that can operate the entire array. This provides a stable revenue source, while income from crops can vary from year to year. This bill addresses the need to open up economic opportunity for those farmers who want to put solar on their farms while providing protections to ensure they get their land back in good shape at the end of the lease.

Outside of agricultural land, we need to recognize the opportunity within the state on the land we own. Over the interim, I worked with our partners at the PPRP to uncover potential State-owned land we may have for solar. The PPRP introduced me to their platform, SmartDG+, an interactive map-based screening tool designed to help developers and officials identify promising areas for solar and wind development.

After obtaining maps from DNR and MDOT, we were able to input state lands into the tool and identify which may be suitable for solar. For the record, I have submitted a spreadsheet with a rough estimate of available state land and a photo of the state lands mapped in the SmartDG+ tool. However, this was just the beginning of uncovering the land we can cultivate to meet our goals, and a more comprehensive analysis is necessary to understand where the opportunities are.

As amended, this bill does four key things:

- 1) Create a cross-agency workgroup in the Power Plant Research Program (PPRP) in DNR that brings together key departments to study solar siting in a manner that balances competing goals in consultation with relevant stakeholders.
  - The workgroup will explore the appropriate approach for solar development on prime soils, a model policy for solar siting between 2-5 MW, decommissioning standards, setback ranges and screening requirements, how best to preserve our natural resources, and more.
  - Also, part of this inter-agency work is an analysis of state land suitable for solar energy development, including brownfields, landfills, parking lots, and garages
- 2) Require each electric company to submit data from utilities regarding transmission capacity to the Solar Technical Assistance Program.
- 3) Allow counties to create a conservation and restoration fund that land developers pay into if their development project is going on land that is in agricultural production.
- 4) Offer several key protections for farmers, including:
  - Requiring the developer to maintain a cover crop that contributes to soil regeneration and carbon sequestration.
  - Establishing requirements for decommissioning, including bonding
  - Requiring MDA to develop a list of considerations and best practices to help farmers negotiate a lease in their best interest.

I fully recognize the importance of balancing our many competing land use goals. If we can get that balance right, SOME solar energy on farmland can be a win for everyone. For these reasons, I respectfully request a favorable report on SB 1082.

Sincerely,

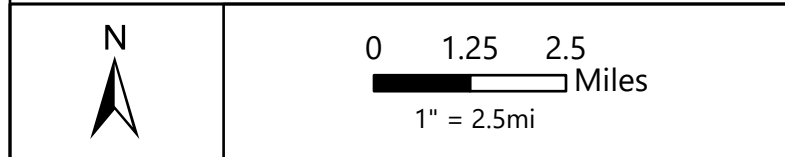
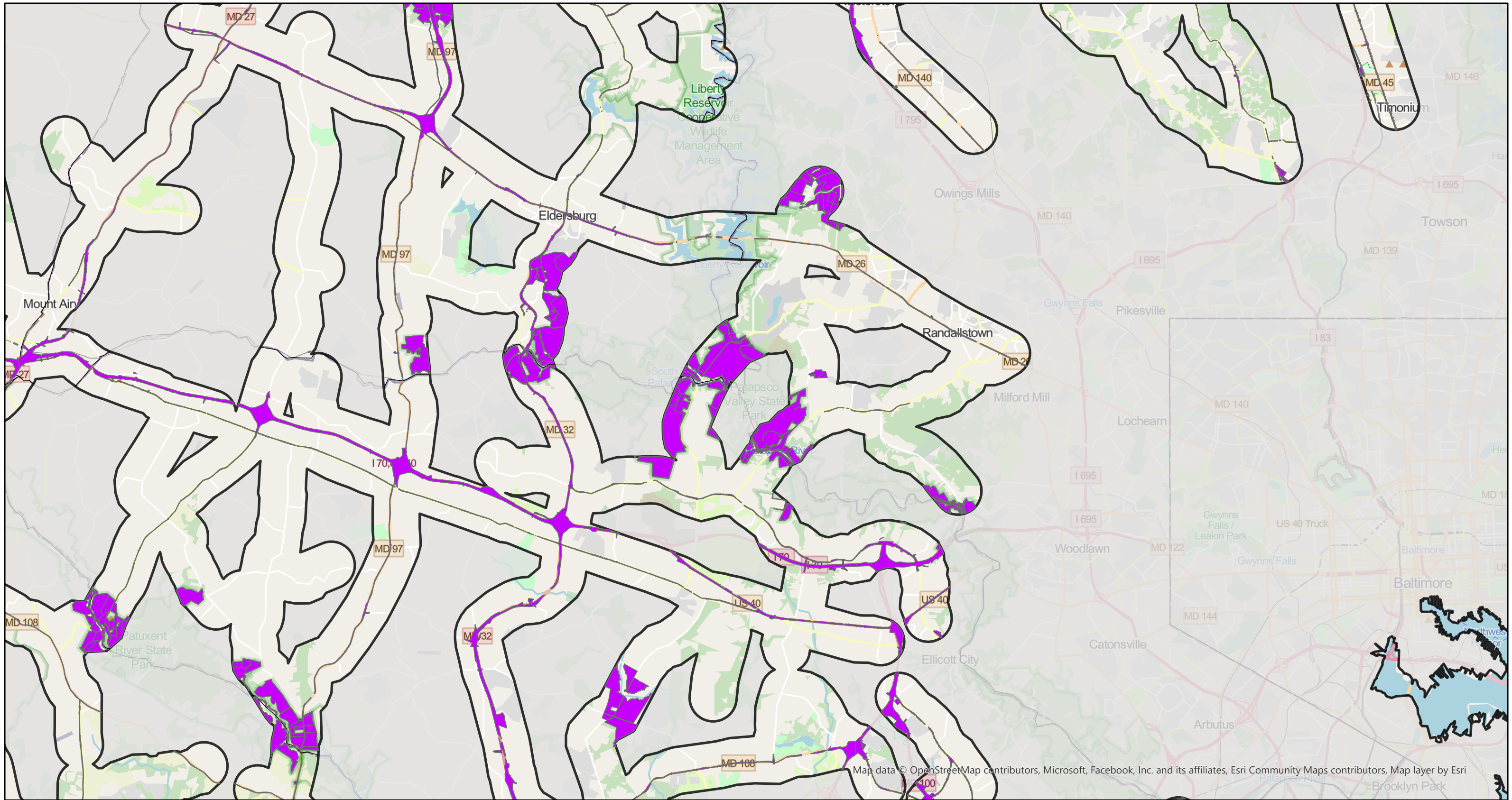


Senator Katie Fry Hester  
Howard and Montgomery Counties

# Snapshot 1-Mile Distribution.pdf

Uploaded by: Katie Fry Hester

Position: FAV



- Legend**
- State-Owned Land with Screening Applied
  - 1 mile corridor around 3-phase <=35kV lines

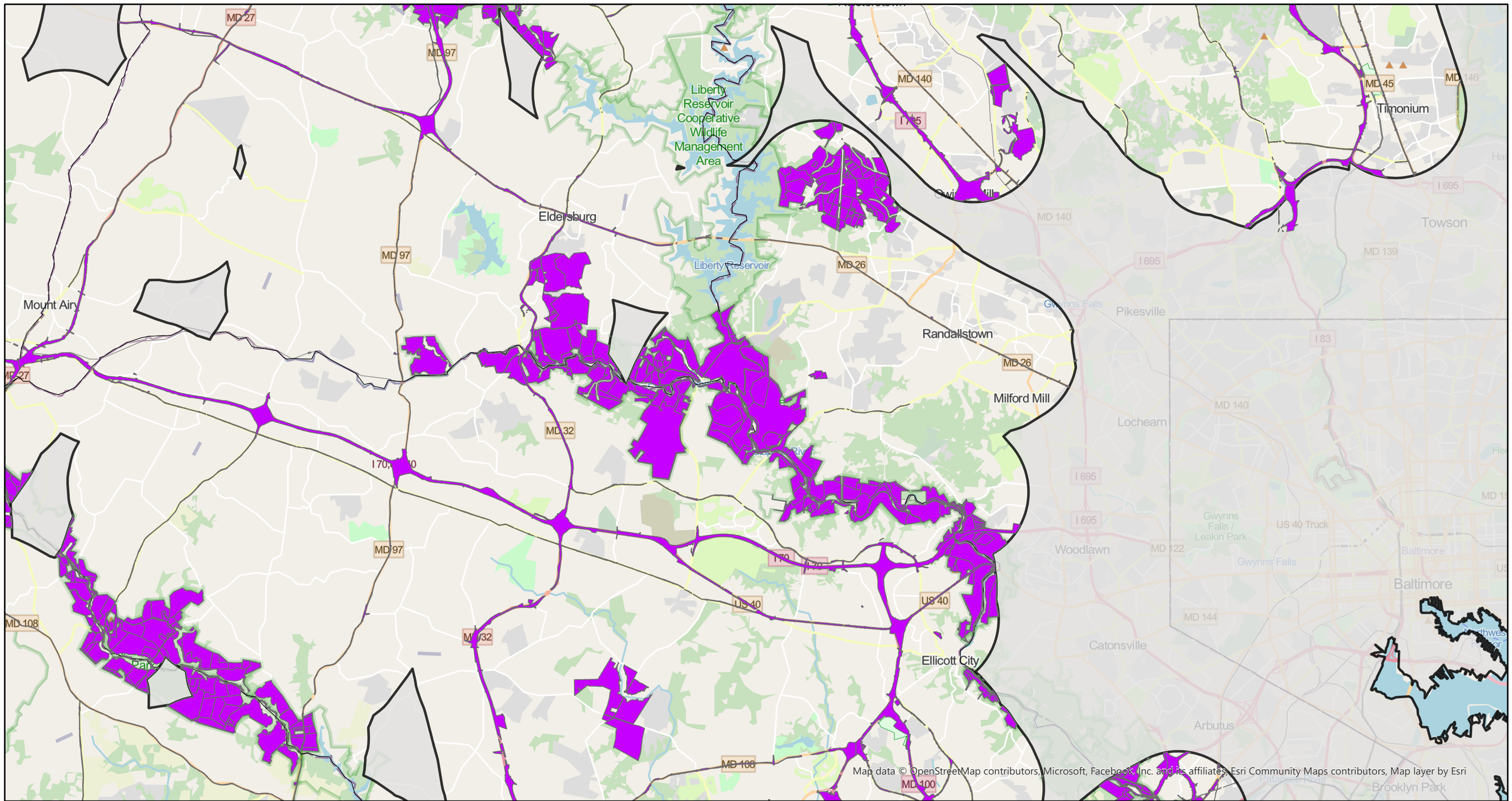
Note: State-owned land is shown within the 1-mile distribution corridor with primary screens removed. Primary screens include: airport/landing strip (within 3-miles), county parks, critical areas federal properties, floodplains, forest conservation easements, high-density residential areas, MD environmental trust easements, MD historical trust preservation easement, national register of historic places, private conservation properties, rural legacy property, urban areas with limited open space, wetland of special state concern (within 100-feet).

**SNAPSHOT OF STATE-OWNED LANDS WITHIN  
1-MILE DISTRIBUTION CORRIDOR WITH  
PRIMARY SCREENS APPLIED**

# Snapshot 2-Mile Distribution.pdf

Uploaded by: Katie Fry Hester

Position: FAV



Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri



0 1.25 2.5 Miles  
1" = 2.5mi

**Legend**

- State-Owned Land with Screening Applied
- 2 mile corridor around 3-phase <=35kV lines

Note: State-owned land is shown within the 2-mile distribution corridor with primary screens removed. Primary screens include: airport/landing strip (within 3-miles), county parks, critical areas federal properties, floodplains, forest conservation easements, high-density residential areas, MD environmental trust easements, MD historical trust preservation easement, national register of historic places, private conservation properties, rural legacy property, urban areas with limited open space, wetland of special state concern (within 100-feet).

**SNAPSHOT OF STATE-OWNED LANDS WITHIN 2-MILE DISTRIBUTION CORRIDOR WITH PRIMARY SCREENS APPLIED**



**StateOwnedLands\_Analysis\_20240306.xlsx (1).pdf**

Uploaded by: Katie Fry Hester

Position: FAV

Maryland		
7,939,840		
	Acres	% of State
<b>TOTAL State Owned Land</b>		
Within 1 mile ROW Distribution	260,862	3%
Within 2 mile ROW Distribution	657,073	8%
Within 2 mile ROW Transmission	390,935	5%
Within 4 mile ROW Transmission	813,157	10%
<b>With Primary Screens Applied</b>		
Within 1 mile ROW Distribution	207,170	3%
Within 2 mile ROW Distribution	496,674	6%
Within 2 mile ROW Transmission	332,275	4%
Within 4 mile ROW Transmission	663,043	8%

**List of Primary Screens removed from available land**

- Airport / Landing Strip (with 3mile buffer)
- County Parks
- Critical Areas
- Federal Properties
- Floodplains
- Forest Conservation Easements
- High-density Residential Areas
- MD Environmental Trust Easements
- MD Historical Trust Preservation Easements
- National Register of Historic Places
- Private Conservation Properties
- Rural Legacy Property
- Urban Areas with Limited Open Space
- Wetlands of Special State Concern (with 100-foot buffer)



**Within 1 mile ROW Distribution (Screens Applied)**

<b>Owner Agency</b>	<b>Acres</b>
BPW	958
CPPD	12
DBED	1
DEAF	132
DGS	749
DHCD	641
DHMH	1,769
DJS	500
DMIL	262
DNR	73,203
DPSC	1,314
HSCC	245
JUD	9
LEASED	0
MDA	2
MDOT	193
MDOT SHA	117,660
MDOT_MARC	93
MDOT_MDTA	30
MDOT_MTA	83
MDOT_MVA	62
MDOT_SHA	3,128
MEDCO	166
MES	81
MFCA	160
MPT	26
MSP	432
OAG	75
SHA	138
SMCM	27
STATE	1,195
TREA	289
USM	3,381
VC	1
WMATA	152
WSSC	4

**Within 2 mile ROW Distribution (Screens Applied)**

<b>Owner Agency</b>	<b>Acres</b>
BPW	2,256
CPPD	12
DBED	1
DBM	0.29
DEAF	132
DGS	1,583
DHCD	849
DHMH	3,019
DJS	960
DLLR	9
DMIL	298
DNR	236,643
DPSC	3,033
HSCC	259
JUD	9
LEASED	126
MDA	8
MDOT	247
MDOT_SHA	226,163
MDOT_MAA	988
MDOT_MARC	141
MDOT_MDTA	85
MDOT_MTA	125
MDOT_MVA	79
MDOT_SHA	5,790
MEDCO	227
MES	1,178
MFCA	160
MPT	59
MSP	1,041
NULL	16
OAG	75
SHA	236
SMCM	27
STATE	2,380
TREA	450
USM	7,267
VC	193
WMATA	497
WSSC	53

**Within 2 mile ROW Transmission (Screens Applied)**

<b>Owner Agency</b>	<b>Acres</b>
BPW	242
CPPD	12
DEAF	132
DGS	374
DHCD	804
DHMH	1,074
DJS	817
DLLR	6
DMIL	103
DNR	150,011
DPSC	1,084
HSCC	125
JUD	17
MDA	2
MDOT	152
MDOT_SHA	161,295
MDOT_MAA	4,396
MDOT_MARC	111
MDOT_MDTA	80
MDOT_MPA	0.09
MDOT_MTA	205
MDOT_MVA	66
MDOT_SHA	3,954
MEDCO	103
MFCA	89
MPT	6
MSP	104
NULL	41
OAG	75
SHA	269
SMCM	10
STATE	1,985
TREA	15
USM	4,075
VC	16
WMATA	370
WSSC	57

**Within 4 mile ROW Transmission (Screens Applied)**

<b>Owner Agency</b>	<b>Acres</b>
BPW	1,987
CPPD	12
DBED	2
DBM	0.29
DEAF	132
DGS	1,110
DHCD	856
DHMH	3,224
DJS	939
DLLR	9
DMIL	316
DNR	315,545
DPSC	3,062
HSCC	259
JUD	17
LEASED	126
MDA	2
MDOT	271
MDOT_SHA	306,297
MDOT_MAA	5,708
MDOT_MARC	139
MDOT_MDTA	81
MDOT_MPA	161
MDOT_MTA	325
MDOT_MVA	130
MDOT_SHA	6,552
MDP	81
MEDCO	230
MES	1,274
MFCA	160
MPT	59
MSP	437
NULL	41
OAG	75
SHA	425
SMCM	27
STATE	3,102
TREA	346
USM	8,206
VC	21
WMATA	1,243
WSSC	57

# **SB1082 - Maryland LCV SUPPORT - Solar Energy and E**

Uploaded by: Kristen Harbeson

Position: FAV



Kim Coble  
Executive Director

2024 Board of  
Directors

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

**March 7, 2024**

**SUPPORT: SB1482 - Solar Energy and Energy Storage-Development and State Procurement**

Chairs Feldman and Guzzone and Members of the Committees:

Maryland LCV supports SB1482 Solar Energy and Energy Storage - Development and State Procurement and we thank Senator Hester for her leadership on this issue.

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. These goals will need to be balanced with other state goals, including forest conservation, stormwater management, protection of open space, and support for our agricultural economy. SB1482, with the sponsor amendments, seeks to take measures to find this balance by including the following provisions:

- 1) Enabling counties to create a Conservation and Restoration Fund for solar and energy development projects developed on land zoned for agricultural or silvicultural use;
- 2) Creating a Utility-Scale Solar Design and Siting Advisory Commission to create recommendations for best practices for balancing solar development with agricultural land preservation and stormwater management and to create model policies for solar energy development;
- 3) Requiring ground-mount solar projects to submit a vegetation management plan to the University of Maryland Extension program to mitigate harm to natural vegetation and pollinator habitats
- 4) Requiring the creation of a database of brownfields, landfills, parking lots and garages, as well as state lands, which could be suitable for solar energy development

Maryland LCV urges a favorable report on this important bill, but looks forward to working with the sponsor and the Committee on any necessary amendments.

**24 MGPA\_SB1082\_Solar Offsets\_FAV.pdf**

Uploaded by: Lindsay Thompson

Position: FAV



Maryland Grain Producers Association  
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www.marylandgrain.com

Date: March 7, 2024

Senate Bill 1082 - Solar Energy and Energy Storage - Development and State Procurement

Committee: Education, Energy and the Environment

MGPA Position: Opposed

The Maryland Grain Producers Association (MGPA) serves as the voice of grain farmers growing corn, wheat, barley and sorghum across the state. MGPA opposes Senate Bill 1082 which would authorize counties to create a Conservation and Restoration Fund and require solar development companies to pay a reasonable fee into the fund if they cite a solar project on land zoned for agriculture. The fund is to be used for conservation and restoration of agricultural, environmentally sensitive, and historically sensitive areas. The bill also requires the creation of a commission that will make recommendations for best practices of citing solar that balances the need for solar development and protecting farms, forest, soil and natural resources.

When the expanded Renewable Portfolio Standard passed in 2019, 14.5% of the state's energy be produced by in-state cited solar energy. The land use of choice for solar developers seems to be agricultural land as it is available in large, flat parcels and is therefore the least expensive site for ground mounted solar. It is unclear exactly how many acres of farmland will be taken for solar development. Estimates in various reports range from 30,000 to 130,000 acres. This would represent up to 10% of Maryland farmland.

Maryland farmland and farmers are already under immense pressure from development and land conversion. From 2017 to 2022, Maryland lost 12,000 acres of agricultural land. Since the RPS was first passed in 2002, Maryland has lost nearly 100,000 acres of agricultural land. This has lasting impacts on farm families, food production and the environment.

By requiring solar developers who are profiting from the conversation of farmland to pay into a conservation and restoration fund, these funds can be used to protect, preserve and restore farmland. MGPA believes this is a fair compromise.

Additionally, a thoughtful commission is needed to develop best policies and practices for balancing renewable energy production and the future of Maryland agriculture.

Thank you,

Lindsay Thompson

Executive Director



# **SB 1082 Solar Energy and Energy Storage - Developm**

Uploaded by: Mariana Rosales

Position: FAV

**Thursday, March 7, 2024**

**TO:** Brian Feldman, Chair of the Senate Education, Energy, and the Environment Committee; Guy Guzzone, Chair of the Senate Budget and Taxation Committee; and Committee Members

**FROM:** Mariana Rosales, The Nature Conservancy, Director of Climate; Cait Kerr, The Nature Conservancy, State Policy Manager

**POSITION:** Support SB 1082 Solar Energy and Energy Storage - Development and State Procurement

The Nature Conservancy (TNC) supports SB 1082 offered by Senator Hester. SB 1082 establishes Utility-Scale Solar Design and Siting Commission, to provide recommendations related to solar energy development and land conservation and preservation. The bill also sets requirements for cover crop plantings and maintenance on land where ground-mounted solar energy stations larger than a set size are located, seeks to expand solar development, and establishes a conservation and restoration fund that solar developers will be required to pay into if their solar project is located on land zoned for agriculture or silviculture.

Maryland needs to accelerate our renewable energy rollout to meet our goals under the Renewable Portfolio Standard and the Climate Solutions Now Act. Simultaneously, it is important to preserve our forested and agricultural lands, which provide carbon sinks as well as adaptation and resilience benefits. Historically, solar development and land preservation have been conflicting objectives, but that paradigm is evolving. At TNC, we believe it is not only possible but also necessary to pursue both; however, in order to do so, we need integrative, creative approaches to pursue smart solar energy deployment.

Solar energy is one of the cleanest electricity sources available in our state, but its land usage can be intensive and there must be guidance to prevent negative impacts. SB 1082 takes this into consideration and includes some potential safeguards to minimize impacts on areas of conservation, restoration, agricultural, environmental, or historical importance.

TNC commends Senator Hester on introducing this bill, which seeks to expand solar energy deployment while also establishing safeguards to protect preserved lands.

**Therefore, we urge a favorable report on SB 1082.**

# **Testimony in support of SB1082.pdf**

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB1082\_RichardKaplowitz\_FAV  
3/07/2024

Richard Keith Kaplowitz  
Frederick, MD 21703

**TESTIMONY ON SB#/1082 – FAVORABLE**  
**Solar Energy and Energy Storage - Development and State Procurement**

**TO:** Chair Feldman, Vice Chair Kagan, and members of the Education, Energy, and the Environment Committee

**FROM:** Richard Keith Kaplowitz

**My name is Richard K. Kaplowitz. I am a resident of District 3. I am submitting this testimony in support of SB#1082, Solar Energy and Energy Storage - Development and State Procurement**

Maryland has an ambitious program to reduce the use of fossil fuels to ameliorate the effects of climate change in our state. Solar power can be an important source for renewable energy, but requires land for solar farms. This bill is an attempt to promote and increase the use of solar power in Maryland while ensuring that agricultural land, used for that solar farm, also can still be productive agriculturally.

This will create, in Maryland's Power Plant Research Program, a commission charged with providing recommendation on solar energy development and land conservation. It will make the use of land for solar energy also be used to support certain crops with a vegetation plan a requirement a part of the solar farm establishment.

Fixing the problem and moving towards Maryland clean energy goals requires a plan to do so and the means to make it happen. This bill makes the movement to solar power a more comprehensive choice with increased viability. It is a commonsense solution to move Maryland forward.

**I respectfully urge this committee to return a favorable report on SB#1082.**

**CCSA testimony\_SB 1082\_3-6-2024.pdf**

Uploaded by: Charlie Coggeshall

Position: FWA



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RE: SB 1082 – Solar Energy and Energy Storage - Development and State Procurement

### **Favorable with Amendments**

Chair Feldman, Senator Hester, and members of the Senate Education, Energy, and Environment Committee,

The Coalition for Community Solar Access (CCSA) provides this written testimony regarding Senate Bill (SB) SB 1082. CCSA's position on this legislation is Favorable with Amendments, as outlined below and attached.

CCSA is a national, business-led trade organization, composed of over 100 member companies, that works to expand access to clean, local, affordable energy nationwide through the development of robust community solar programs. Today, the majority of households and businesses do not have access to solar because they rent, live in multitenant buildings, have roofs that are unable to host a solar system, are shaded by trees, or experience some other mitigating factor. Community solar provides a solution to this gap by allowing local solar facilities to be shared by multiple community subscribers who receive credit on their electricity bills for their share of the power produced.

CCSA has been an active participant in the development and implementation of Maryland's community solar pilot program, and we are grateful to this Committee for supporting the passage of SB 613 (HB 908) in 2023, which made community solar a permanent solution in Maryland. The permanent community solar program enabled through SB 613 will play a critical role in helping the state meet its rapidly climbing clean energy requirements, while also ensuring electricity cost savings reach those that need it most (e.g., the program requires at least 40% of every project's capacity to benefit low-to-moderate income customers).

Senator Hester's SB 1082 would: (1) create a Conservation and Restoration Fund; 2) establish a Utility-Scale Siting and Design Advisory Commission; 3) require cover crop and vegetation management plans for each wholesale CPCN project; 4) develop energy storage device model permit and fire suppression standards for state or local government; 5) require the state to procure 200 MW annually for ten years; and 6) create a land and grid analysis and database for solar development.

CCSA appreciates the emphasis of SB 1082 on the siting and permitting of clean energy technologies in Maryland. Siting is the most pressing barrier to community solar deployment and is a key detriment to ground-mounted solar more generally with regards to the state meeting its clean energy requirements. Though not directly intended for community solar, CCSA supports the provisions of SB 1082 relating to the mandated procurement of solar energy as an additional clean energy deployment tool for the state under State Finance and Procurement Article Section 4-325. In addition, CCSA supports the provisions of SB 1082 under State Government Article Section 9-2016 to analyze the state's land and grid suitability for solar energy development, which could help create greater transparency for the market regarding development opportunities and barriers.

However, CCSA is concerned with unintended consequences relating to the other provisions of SB 1082.



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The Conservation and Restoration Fund (Local Government Article Section 12-905) is an interesting concept that could be explored further, but as captured in SB 1082 would result in a fee determined by each county that is only applied to solar generating systems located on land zoned for agricultural use or silvicultural use. Allowing the counties full discretion to establish fee amounts could result in de facto bans on solar development on agricultural land, depending on the county. Further, it is inequitable to make solar development, which provides numerous economic, environmental, and other policy benefits to the state, subject to a fee which is not applied to other forms of development that occur on agricultural land.

The Utility-Scale Solar Design and Siting Advisory Commission (Natural Resources Article Section 3-306.2) would create a 20-member Advisory Commission tasked with developing recommendations to the Governor and legislature on how to balance solar development with land and forest interests by December 2024, and then recommendations on the best practices and a model policy for developing solar projects two megawatts in size and larger by December 2025. The result would be a two-year process, that may or may not produce further legislation or regulatory action in 2026, and that may or may not drive constructive improvements to solar siting in Maryland. Further, the focus on projects two megawatts and larger appears to target siting through the Public Service Commission's Certificate of Public Convenience and Necessity ("CPCN"), which currently applies to solar projects larger than two megawatts, leaving issues related to restrictive county zoning ordinances and bans unaddressed for solar projects two megawatts and smaller. The uncertainty of the Advisory Commission process and its outcome would not only undermine market confidence, but also prevent nearer-term solutions from being considered or adopted. In lieu of this Advisory Commission concept, CCSA recommends consideration of SB 1025 (which focuses on improving the CPCN process for well-sited community solar projects) and HB 1407 (which focuses on ending restrictive county zoning ordinances and bans). Both bills are geared toward actionable changes at the state and local levels to fix real issues and enable properly sited solar development.

The remaining two provisions in the bill, cover crop and vegetation management plan requirements (Public Utilities Article Section 7-215.1) and development of energy storage device model permit and fire suppression standards (Public Utilities Article 216.2), are unnecessary. CCSA is not directly impacted by these provisions due to the cover-crop being required of "wholesale" projects, and there not currently being a storage component for community solar. However, CCSA views the CPCN process as robust and not in need of a supplemental cover crop and management plan review as projects already must implement comprehensive vegetation management plans under standard CPCN conditions. Further, CCSA understands that the PSC's Energy Storage Working Group actively considering storage permitting and fire suppression standards, rendering legislation unnecessary.

For these reasons, CCSA is only favorable to SB 1082 if the following sections are struck from the bill: Local Government Article Section 12-905; Public Utilities Article Section 3-306.2; Public Utilities Article Section 7-215.1; and Public Utilities Article Section 7-216.2.

Sincerely,  
Charlie Coggeshall  
Mid-Atlantic Director, CCSA  
[charlie@communitysolaraccess.org](mailto:charlie@communitysolaraccess.org)

**SB1082-EEE\_MACo\_SWA.pdf**

Uploaded by: Dominic Butchko

Position: FWA





## Senate Bill 1082

### *Solar Energy and Energy Storage - Development and State Procurement*

MACo Position: **SUPPORT**  
**WITH AMENDMENTS**

To: Education, Energy, and the Environment  
and Budget and Taxation Committees

Date: March 7, 2024

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS SB 1082 WITH AMENDMENTS**. This bill attempts to continue conversations that stakeholders were conducting to try and find a consensus legislative package aimed at meeting the state's ambitious solar energy goals.

For several months in the lead up to the 2024 General Assembly legislative session, MACo, the Maryland Municipal League (MML), the Maryland League of Conservation Voters (LCV), several agencies within the Administration, conservation organizations, representatives of solar industry, and other stakeholders were engaged in intense negotiations regarding legislation that would provide certainty, guardrails, and incentives for all stakeholders in meeting the state's solar energy goals. These negotiations came close to reaching a consensus package, until unexpectedly, representatives of solar industry walked away from the table to pursue alternatives to fully remove any community input from siting projects (HB1046/SB1025). In the hopes of building off months of work, the bill sponsors and several stakeholders agreed that a more formal process led by a mutually respected and neutral party merits full consideration. Counties share in this conclusion and welcome a balanced and deliberative process led by the Power Plant Research Program within the Department of Natural Resources.

While counties agree in the approach and are keen to remain productive and active stakeholders around renewable energy more generally, there are several parts of the current legislation which cause considerable concern. Specifically,

- **12-905** – In negotiations, stakeholders found agreement around establishing broad authority for counties to establish fees on all development that removes land from agricultural production, and the ability for counties to use that revenue to provide incentives for solar development and the conservation or restoration of agricultural, environmental, or historically sensitive areas. As drafted, 12-905 is targeted exclusively

at solar, which is inconsistent with previous negotiations. Counties request that this provision be broadened to give local leaders adequate tools to meet the state's competing conservation & renewable energy goals:

- On page 2 in line 33 and again on page 3, line 2:  
STRIKE both instances of: "SOLAR GENERATING STATION" and  
INSERT: "PROJECT"
- **3-306.2** – Counties agree with the intent of this provision as well as requirements to reevaluate recommendations every 10 years. As drafted though, it would be impossible to effectively implement this provision and, in a worst-case scenario, likely lead to poorly considered policy prescriptions with drastic unintended consequences. Counties request the following amendments:
  - Require all recommendations to be due December 1, 2025, with an interim report due December 1, 2024.
  - On page 6, STRIKE lines 1-6 and INSERT:  
"STATE AND LOCAL REGULATIONS, LEGISLATIVE ACTIONS, OR OTHER NECESSARY ITEMS RELATED TO SITING OF SOLAR PROJECTS 2MW OR GREATER;"
- **9-2016 (D)** – Counties share in the concerns of agricultural and conservation partners in urging the General Assembly to exercise caution in examining agriculturally preserved lands for the use of solar development.

Counties are committed to being productive and active stakeholders around renewable energy generally and remain ready to work with the Committee to find solutions to meeting the state's competing renewable energy and conservation goals. For this reason, MACo urges the Committee to give SB 1082 a **FAVORABLE WITH AMENDMENTS** report.

# **Solar Energy and Energy Storage - Development and**

Uploaded by: Ernesto Villasenor

Position: FWA

**Committee:** Economic Matters  
**Testimony:** Solar Energy and Energy Storage - Development and State Procurement (SB 1082)  
**Position:** Favorable with Amendments  
**Hearing Date:** March 7, 2024

**Ernesto Villasenor, Jr., J.D**  
**Chesapeake Climate Action Network Action Fund**

On behalf of the Chesapeake Climate Action Network Action Fund, we urge a favorable report on SB 1082. In 2022 Maryland missed 45% of our in-state solar generation mandate. The state was required to source 5.5% of our electricity from solar in Maryland, but only 3%. As a result, utilities were forced to pay over \$85 million in Alternative Compliance Payments, the cost of which they passed on to ratepayers. Maryland has not been able to meet our in-state solar generation requirements because some counties in Maryland have passed defacto bans on new solar being built on the ground.

It's imperative that authorities having jurisdiction (AHJ) do not unnecessarily preclude or restrict the construction of commercial solar energy facilities. By implementing reasonable regulations and guidelines, we can facilitate the responsible development of solar projects while safeguarding agricultural land and maintaining the integrity of our rural communities.

**CCAN Action Fund supports the theory behind the bill. However, as applied, the bill does not address concerns of zoning laws and other regulations by authorities having jurisdiction that restrict or prohibit the construction of commercial solar energy facilities.**

The following language should be amended to the bill:

“Counties may not establish siting standards for solar facilities that explicitly or functionally preclude development of commercial solar energy facilities, including prohibitions on zoning, density, and/or soil classifications, and may not adopt zoning regulations that disallow, permanently or temporarily, commercial solar energy facilities from being developed or operated.”

**CONTACT**  
Ernesto Villaseñor, Jr., JD | Policy Manager  
Chesapeake Climate Action Network Action Fund  
[ernesto@chesapeakeclimate.org](mailto:ernesto@chesapeakeclimate.org)  
310-465-6943

**ACP MAREC MD SB1082 FAV w Amendments March 7 2024.**

Uploaded by: Evan Vaughan

Position: FWA



March 7, 2024

Senator Brian Feldman, Chair  
Maryland Senate Education, Energy, and the Environment Committee  
2 West  
Miller Senate Office Building  
Annapolis, Maryland 21401

**American Clean Power & MAREC Action: SB1082/HB1328, FAVORABLE with amendments**

Dear Chairman Feldman and members of the Senate Education, Energy, and the Environment Committee,

The American Clean Power Association (ACP) is the leading voice of today's multi-tech clean energy industry, representing over 800 energy storage, wind, utility-scale solar, clean hydrogen and transmission companies. ACP is committed to meeting America's national security, economic and climate goals with fast-growing, low-cost, and reliable domestic power.

MAREC Action is a Maryland-based coalition of utility-scale solar, wind, and battery storage developers, wind turbine and solar panel manufacturers, and public interest organizations dedicated to promoting the growth and development of renewable energy in Maryland and across the PJM grid.

On behalf of both our organizations, thank you for the opportunity to provide testimony on SB1082/HB1328, which seeks to balance tensions between solar development and land conservation interests. Unfortunately, as introduced, the legislation gets that balance wrong and would throw solar siting into a period of significant uncertainty while implementation of the new law is ironed out and could result in unintentional new barriers to solar development. We believe that some elements of this legislation would be beneficial to the broader solar industry and would support a slimmed down version of the legislation. If those amendments are not possible, we recommend tabling the bill and taking the issue back up in 2025 to allow for additional consideration and stakeholder conversations.

**Conservation and restoration fund (section 12-905)**

The concept of a conservation and restoration fund for agricultural or silvicultural land is a reasonable idea but misguided when applied only to solar development. We recognize and respect Maryland's priorities include both land conservation AND renewable energy development. However, it is fundamentally discriminatory to target land conservation compensation at the solar industry and no other industry. Solar has smaller environmental impacts than other permanent forms of development and costs uniquely imposed on the solar industry make us less competitive with other energy sources—ultimately hurting Maryland ratepayers.

Solar projects can be returned to crop production after the life of a project. Furthermore, solar projects have significant benefits to soil health during operation. A study of 30 Midwest solar facilities conducted by researchers from Argonne National Lab, University of Minnesota, and NREL, found that solar panels built over turfgrass or native grassland outperformed row crop agriculture in four areas of study—with solar resulting in reduced sediment export and increased pollinator supply, carbon storage, and water retention compared with agriculture.<sup>1</sup> Solar projects, with a typical land lease arrangement of more than 25 years, can actually protect large portions of rural landscape from being fragmented into small parcels that are not conducive to farming.

We would support this section only if it applied to all conversions of land from agricultural/silvicultural use to another form of land use—or if this fee was paired with a significantly streamlined permitting process for all segments of the solar industry.

### **Utility-scale siting and design advisory commission (section 3-306.2)**

Solar projects above 2 MW require a Certificate of Public Convenience and Necessity (CPCN) to be built, with the final authority to approve or deny a CPCN resting with the Maryland Public Service Commission (PSC). The current set of CPCN conditions are comprehensive, and the PSC's approach has been well honed over years of experience and dozens of CPCNs for solar projects across the state. The CPCN process could be improved in various ways, but it fundamentally provides a factual and fair venue for siting determinations of large solar projects.

With that background in mind, we believe this legislation's proposed utility-scale solar design and siting advisory commission would, at best, create a period of uncertainty for solar projects poised to apply for permits and duplicate many of the functions currently handled by the PSC (in coordination with Maryland Department of Natural Resources). At worst, the proposed commission could undermine the functioning CPCN process or create unrealistic precedent for CPCN decisions, impeding Maryland solar development.

We believe the proposed goals of the legislation's utility-scale solar design and siting advisory commission are largely accomplished through the existing CPCN approval process for solar projects. The Maryland Power Plant Research Program (PPRP) coordinates the testimony and positions of seven state agencies (Agriculture, Commerce, Energy, Environment, Natural Resources, Planning and Transportation) and is considered an expert witness for environmental and socioeconomic analyses. PPRP completes a coordinated review of each utility-scale energy generation project (and transmission lines greater than 69kV) for the PSC.

The list of solar project factors already evaluated by PPRP includes the following issues that we see as duplicative with the legislation's proposed siting and design advisory commission.

- Biological impacts on water quality, wetlands, forests, wildlife and aquatic resources;
- Economic and fiscal impacts, including job creation and protecting prime farmland;
- Transportation impacts during construction;
- After construction, impacts (such as glare) to passing cars and planes;
- Visual impacts to neighboring properties;
- Impacts to cultural, historical, and archaeological sites;
- Water and sewer utility impacts;
- Fire safety considerations;

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<sup>1</sup> <https://www.sciencedirect.com/science/article/pii/S2212041620301698>

- Electromagnetic fields, and;
- Decommissioning.

Furthermore, local government and public input is a major part of the existing CPCN criteria, wherein the PSC is required to give due consideration to the recommendation of a local governing body, the consistency of a project with the local government's comprehensive plan and zoning, and efforts of the project developer to resolve issues presented by local government.

It is important to remember that every solar project requires the consent of the landowner choosing to lease their land for solar development (very few utility-scale solar projects purchase land outright and solar developers cannot employ eminent domain). The CPCN ensures that landowners seeking to exercise their property rights are not unduly denied. USA Today recently reported that, across America, local bans, moratoriums and construction impediments are blocking wind and solar energy with increasing levels of red tape. In addition to outright bans on new wind and solar, many places have significant impediments that prevent construction, including zoning restrictions and land-use rules.<sup>2</sup>

We are concerned that a commission as proposed in this legislation would provide a venue for unrealistic, though seemingly reasonable, "best-practices" to become expected as a requirement for all solar projects going forward. The conservation and restoration fund proposed in the first section of this legislation provides an illustrative example. Protecting agricultural land is a reasonable and worthy goal, however expecting the solar industry to pay a fee not applied to other industries puts solar at a competitive disadvantage in a marketplace full of other energy sources. We believe the PSC's current CPCN process provides the most appropriate venue to determine what best practices can be reasonably applied to solar projects, weighed against Maryland's energy needs and climate change targets.

For these reasons, we recommend striking the utility-scale solar design and siting advisory commission concept from the legislation.

### **Cover crop and vegetation management plan (section 7-215.1)**

Utility-scale solar projects typically incorporate a perennial groundcover to maintain soil stability and other ecological benefits for the life of a project. We are not opposed to this provision if amended to provide clarity around the definition of a "cover crop". We would be supportive if the requirement aligns with readily available and economical seed mixes. Requiring something akin to "agrivoltaics"—harvesting some kind of marketable crop from a solar site—would create numerous challenges if applied to all solar projects. The economics of agrivoltaics do not always pencil out and in some cases a landowner may not wish to engage in active farming of their property.

### **Energy storage devices (section 7-216.2)**

We support the concept of state-wide energy storage fire suppression standards and safety requirements, but we encourage the legislature to ensure that this section of the bill aligns with the PSC's ongoing energy storage working group and other bills introduced this session.

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<sup>2</sup> <https://www.usatoday.com/story/graphics/2024/02/04/us-renewable-energy-grid-maps-graphics/72042529007/>



## **State purchase of solar energy & analysis of suitable state lands for solar development (4-325 & 9-2016)**

Although the procurement outlined in this section will likely be targeted at smaller scale solar energy systems—given that new transmission connected projects will be in the PJM queue for several years and likely constraints on state lands making large-scale development difficult—we think the concept of developing state lands as a solar resource is worth pursuing. We suggest that rather than running a state procurement through DGS, the State of Maryland could offer below market leasing rates to solar developers on state lands. This would have the benefit of incentivizing solar deployment through more affordable land-leases while still raising revenue for the state. Overall, we support these sections of the bill as a helpful step forward for our colleagues in the smaller-scale segments of the solar industry.

### **Closing thoughts**

We commend the sponsors of SB1082/HB1328 for engaging on the challenging issue of solar siting reform. We believe there is a productive conversation to be had over the interim to streamline the CPCN process, however SB1082/HB1328 as currently drafted would introduce significant uncertainty into the solar energy market. **On behalf of our members, the American Clean Power Association and MAREC Action request that sections 12-905, 3-306.2, 7-215.1, and 7-216.2 be amended out of the legislation. We support sections 4-325 & 9-2016 with amendments outlined above.**

Thank you for your consideration,

Moira Cyphers  
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**SB1082-FWA-AdvocatesForHerringBay.pdf**

Uploaded by: Kathleen Gramp

Position: FWA

Testimony of the Advocates for Herring Bay<sup>1</sup>  
Regarding SB 1082, Energy and Energy Storage – Development and State Procurement  
Submitted by Kathleen Gramp, March 6, 2024

*Favorable with amendments*

The Advocates for Herring Bay (AHB) commend the sponsors for proposing legislation calling for a study on lands suitable for in-state solar generation and establishing an Advisory Commission on ways to balance and manage competing land uses. Those measures are key to building a consensus on solar siting issues. Importantly, SB 1082 recognizes the need to preserve forests, soils, and natural resources and to establish vegetative ground covers that benefit the environment.

AHB urges the Committee to strengthen SB 1082 by amending the section on the Advisory Commission in two ways:

**1. Direct the Advisory Commission to address stormwater runoff** from ground-mounted solar projects. Maryland’s solar-specific stormwater law was enacted in 2012. Since then, the state has been experiencing more intense rain events stemming from climate change. Maryland is now in the awkward position of having a law that forces state and local permitting agencies to ignore the effects of the solar panels when calculating runoff,<sup>2</sup> which can lead to underestimates of stormwater impacts from high rainfall events. As shown in Attachment 1, underestimates are especially common when rainfall exceeds one inch over a 24-hour period.

The environmental consequences of underestimating runoff can vary across the state. Recent research by the National Renewable Energy Lab found that runoff from solar projects largely depends on site-specific features, particularly soil compaction and the type of ground cover under and around the arrays.<sup>3</sup> As shown in Attachment 1, counties in Maryland’s coastal plain regions may be at higher risk for runoff than counties in other areas because of differences in the density of their soils.

Proposed amendment: Updating Maryland’s solar-specific stormwater policies would benefit the environment and may lower the cost of solar generation for projects that follow best practices. SB 1082 mentions stormwater in its directives to the Commission, but only to the extent it would inform policies about setbacks and screening. In our view, stormwater impacts should be a separate priority because of their importance in meeting Maryland’s clean water goals and mandates, especially in MS4 jurisdictions.

**Illustrative text for stormwater amendment**

3-306.2(F)(3), page 5, line 23: strike “stormwater management”

3-306.2(F), page 5, line 27: insert new provision (6):

*Updating Maryland’s stormwater laws and permitting guidelines to incorporate best practices for estimating and managing runoff from solar facilities, including methods that account for the effects of solar panels, soil characteristics, and ground cover on runoff.*

<sup>1</sup> The Advocates for Herring Bay, Inc. is a community-based environmental group in Anne Arundel County.

<sup>2</sup> See [HB 1117](#), which only allows the pole and base of the solar structure to be classified as an impervious surface.

<sup>3</sup> See Great Plains Institute, [Best Practices: Photovoltaic Stormwater Management Research and Testing \(PV-SMaRT\)](#), January 2023.

**2. Appoint an environmental representative with expertise in land and water policies.** To reach a sustainable consensus on solar siting issues, the Commission needs nongovernmental members with substantive expertise on the issues being studied. From an environmental perspective, this would be someone who could speak authoritatively on land and water matters, including stormwater mitigation and the challenges facing Maryland's forests, soils, and natural resources.

**Illustrative text for amendment on environmental appointee:**

3-306.2(A)(15), page 4, line 27:

*Insert "with expertise in land and water resources" after "the State"*

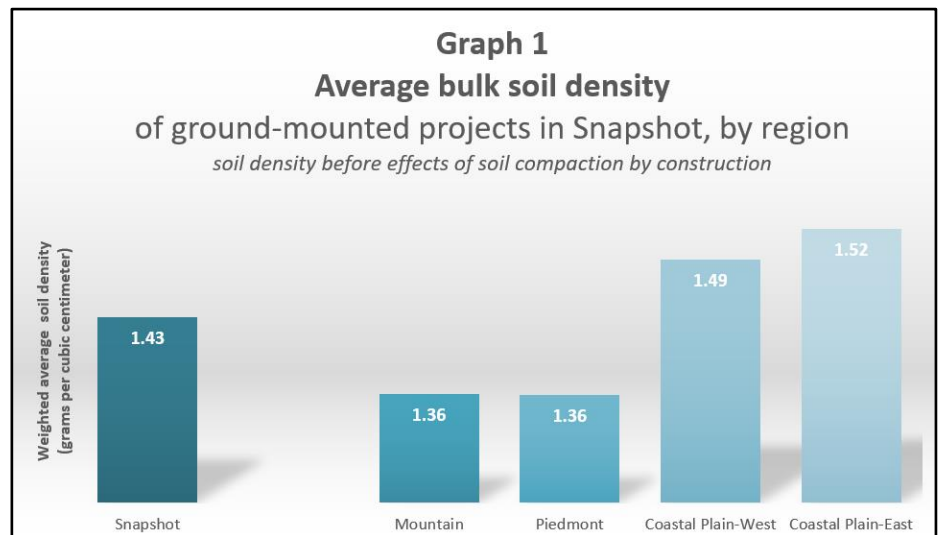
### Attachment 1: Overview of Solar Stormwater Runoff Estimates and Issues

Presentations at an April 2023 conference convened by the Chesapeake Bay Program addressed some of the challenges and opportunities for managing stormwater runoff from solar arrays.<sup>4</sup> The conference included a review of a federally funded modelling effort known as “PV-SMaRT,” which is being developed by the National Renewable Energy Lab (NREL) and the Great Plains Institute (GPI) to estimate the key drivers of runoff from solar projects.<sup>5</sup>

Policymakers can use the PV-SMaRT calculator to gauge how estimated runoff may differ under varied environmental conditions.<sup>6</sup> Key inputs to the model include the density and depth of the soil, the type of ground cover under the arrays, and rainfall in a 24-hour period. All of the data presented in this Attachment assume that solar panels have an average width of 10 feet and are installed in rows 25 feet apart.

To apply the model to conditions in Maryland, AHB developed a “snapshot” of the types of soils under existing ground-mounted solar arrays using the U.S. Department of Agriculture’s (USDA’s) Web Soil Survey.<sup>7</sup> Because of data limitations, it was not possible to account for every ground-mounted solar project in the state. However, AHB’s snapshot covers over 1,700 acres of solar arrays spread across 20 counties and may provide reasonable parameters for estimating stormwater runoff using the PV-SMaRT calculator.<sup>8</sup>

Graph 1 summarizes USDA’s data on the weighted-average bulk density of the soils at the sites shown in the Snapshot. Because of the data limitations, this analysis aggregates the county-level results into broad geographic regions.<sup>9</sup> Several sites had slopes higher than 10 percent, notably those on brownfields, but all of the runoff estimates presented here assume lower slopes. USDA’s data also suggest that soil depths will exceed the 60-inch metric used in the PV-SMaRT calculator.



<sup>4</sup> See the proceedings of the April 2023 Scientific and Technical Advisory Committee’s conference on [Best Management Practices to Minimize Impacts of Solar Farms on Landscape Hydrology and Water Quality](#)

<sup>5</sup> See Great Plains Institute, [Best Practices: Photovoltaic Stormwater Management Research and Testing \(PV-SMaRT\)](#), January 2023.

<sup>6</sup> NREL’s [overview of the PV-SMaRT program](#) includes a link to the PV-SMaRT calculator.

<sup>7</sup> See USDA [Web Soil Survey](#).

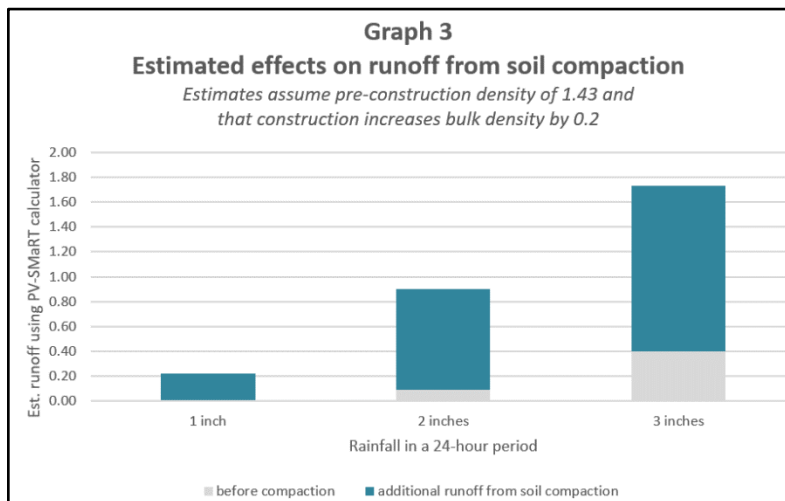
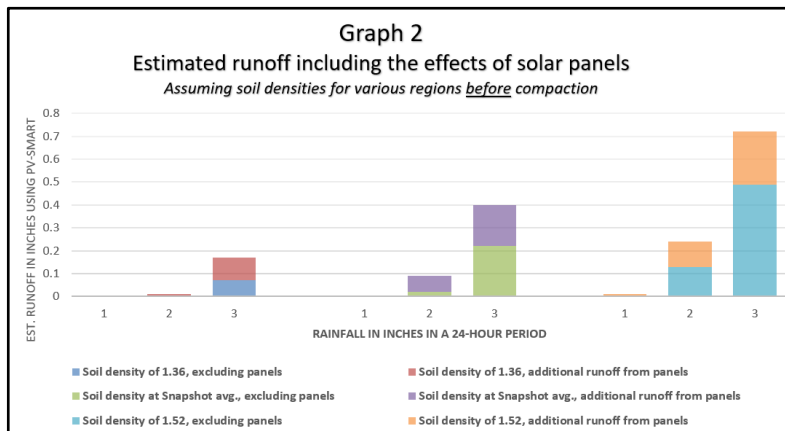
<sup>8</sup> See Advocates for Herring Bay, [Solar Soil Snapshot, 2024](#).

<sup>9</sup> For this analysis, the “Mountain” region includes Allegany, Garrett, and Washington Counties; “Piedmont” includes Baltimore, Carroll, Frederick, Harford, Howard, and Montgomery Counties; “Coastal Plain-West” includes Anne Arundel, Charles, and Prince George’s Counties; and “Coastal Plain-East” includes Caroline, Cecil, Dorchester, Kent, Queen Anne’s, Talbot, Wicomico, and Worcester Counties.

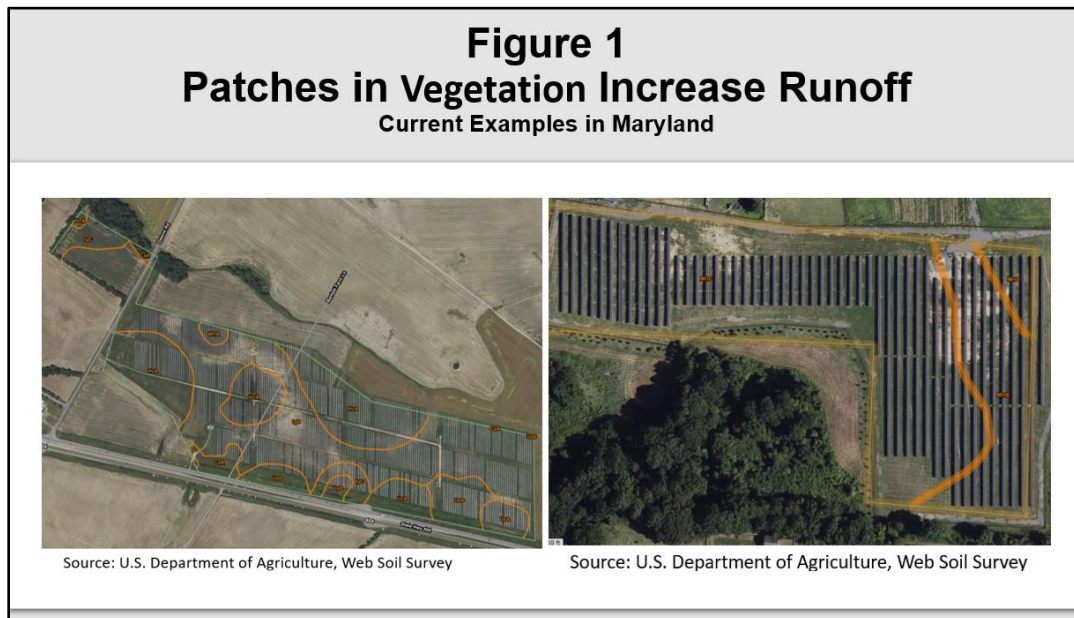
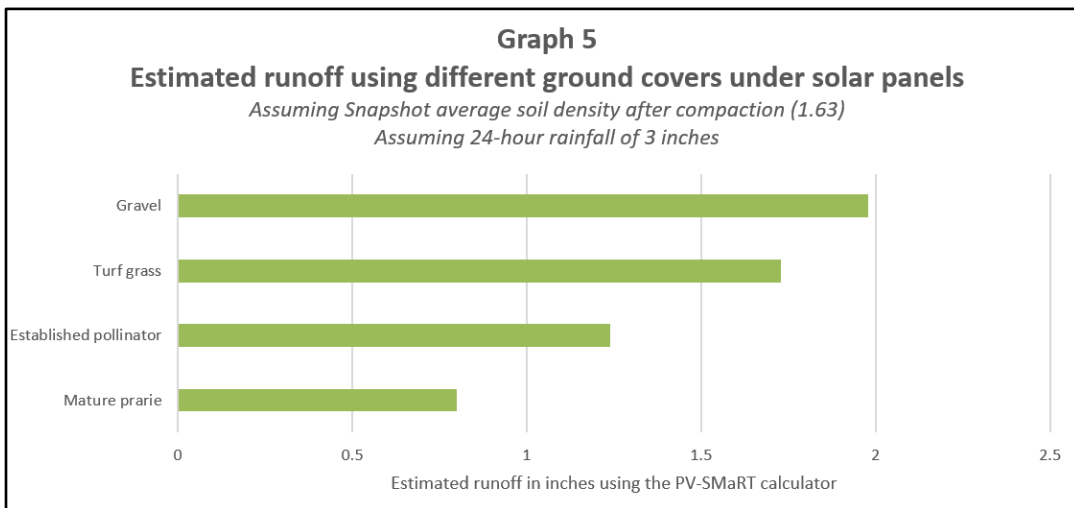
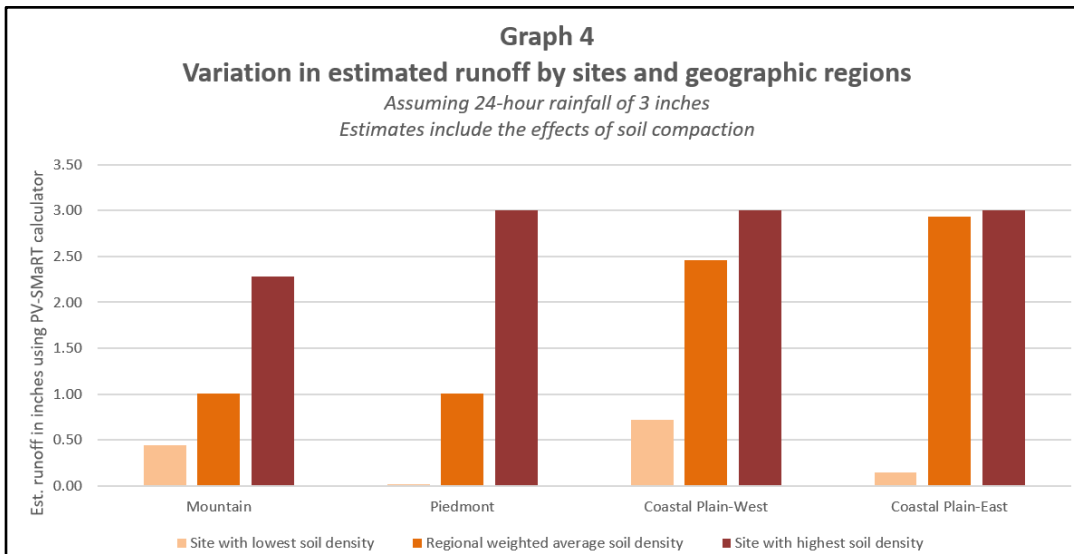
The following graphs summarize estimates of potential stormwater runoff trends in Maryland using the PV-SMaRT calculator and data from AHB’s Snapshot. Unless otherwise noted, the estimates assume that the ground cover under the solar panels is turf grass. In addition, the estimates of runoff account for mitigation benefits of the “disconnection” distances between rows of panels. That is, the amounts shown are the incremental amounts of runoff not addressed by the vegetation between rows.

- Graph 2 shows the importance of including the solar panels in the calculation of impervious surfaces, especially as Maryland experiences more intense rain events;
- Graph 3 attests to the importance of accounting for the effects of bulk soil density on stormwater runoff, especially after any soil compaction resulting from construction<sup>10</sup>;
- Graph 4 illustrates the importance of accounting for the geographic diversity of soil densities among projects and regions of the state; and
- Graph 5 shows variations in the amounts of runoff that can be absorbed by different types of ground covers under the solar panels.

Finally, sustaining the infiltrative capacity of vegetation over the multi-decade life of solar projects will require continuous monitoring and maintenance. Patchy growth—which increases stormwater runoff—is already an issue for some existing Maryland solar projects (see Figure 1).



<sup>10</sup> This analysis assumes that compaction will increase soil density by 0.2, the amount estimated by the Center for Watershed Protection for “construction, no grading.” See Stormwater Center, [Compaction of Urban Soils](#).



# **SEIA Testimony SB1082.pdf**

Uploaded by: Leah Meredith

Position: FWA





March 6, 2024

Senator Brian J. Feldman  
Chair  
Senate Education, Energy, and  
Environment Committee  
2 West Miller Senate Office Building  
11 Bladen Street  
Annapolis, MD 21401

Senator Cheryl C. Kagan  
Vice Chair  
Senate Education, Energy, and  
Environment Committee  
2 West Miller Senate Office Building  
11 Bladen Street  
Annapolis, MD 21401

**RE: SEIA Favorable with Amendments on SB1082: Solar Energy and Energy Storage – Development and State Procurement**

Dear Chair Feldman, Vice Chair Kagan, and Members of the Senate Education, Energy, and Environment Committee:

I am writing on behalf of the Solar Energy Industries Association (“SEIA”) regarding our position of **Favorable with Amendments** on SB1082 (Hester), which authorizes counties to enact a local law creating a conservation and restoration fund for a certain purpose; establishes the Utility-Scale Solar Design and Siting Commission in the Power Plant Research Program to provide recommendations related to solar energy development and land conservation and preservation; and requires the owner or operator of a certain solar energy generating station to plant and maintain a certain cover crop on certain land and submit a certain vegetation management plan to a certain entity. SB1082 was referred to the Senate Education, Energy, and Environment Committee on February 2, 2024.

Founded in 1974, SEIA is the national trade association for the solar and storage industries, building a comprehensive vision for the advancement of these technologies. SEIA is leading the transformation to a clean energy economy by supporting policy measures that will drive needed investment in clean, domestic, local job-producing solar generation. We work with our 1,200+ member companies, which include solar manufacturers, service providers, residential, community and utility-scale solar developers, installers, construction firms, and investment firms, as well as other strategic partners, to shape fair market rules that promote competition and the growth of reliable, low-cost solar power. Maryland is currently home to more than 200 solar businesses with many more national firms also conducting business in the state.

It is critical that Maryland maximizes the economic and business opportunities associated with solar generation. As such, we appreciate the emphasis SB1082 places on the siting and permitting of clean energy generation in Maryland. Project siting is among the most pressing challenges to the deployment of ground-mounted solar in the state and, by extension, a key barrier to Maryland’s ability to meet its nation-leading solar targets.

SEIA supports SB1328's Part IV provisions relating to the mandated procurement of solar energy as an additional clean energy deployment tool for the state. We also support the provisions under Section 9-2016 to analyze the state's land and grid suitability for solar energy development, which could help create greater transparency for the market regarding development opportunities and barriers.

However, SEIA has several concerns related to potential unintended consequences associated with the implementation of SB1328. The Conservation and Restoration Fund (section 12-905) is an interesting concept that could be explored further, but as currently constructed, would result in a fee determined by each county that is only applied to solar generating systems located on land zoned for agricultural use or silvicultural use. Allowing the counties full discretion to establish fee amounts could result in de facto bans on solar development on agricultural land, depending on the county. Further, it is inequitable to make solar development, which provides numerous economic and policy benefits to the state, subject to a fee which is not applied to other forms of development that occur on agricultural land.

Secondly, the Utility-Scale Solar Design and Siting Advisory Commission ("Commission") (section 3-306.2) would create a 20-member Commission tasked with developing recommendations to the Governor and legislature on how to balance solar development with land and forest interests by December 2024, and then recommendations on the best practices and a model policy for developing solar projects over two megawatts in size, by December 2025. The result would be a two-year process, that may or may not produce further legislation or regulatory action in 2026, and that may or may not drive constructive improvements to solar siting in Maryland. The uncertainty of the Commission process and its outcome would not only undermine market confidence, but also prevent nearer-term solutions from being considered or adopted. In contrast to a Commission, SEIA recommends consideration of SB1025 (Brooks) and HB1407 (Wilson), which are geared toward actionable changes at the state and local levels to enable solar development.

Finally, SEIA believes this legislation should be amended to work better with multiple existing policy work streams among state government, agencies, and stakeholders. Solar siting and battery storage policy work is already occurring in other venues, and we do not believe that there is a need for an additional commission. It is essential that the work of the Public Service Commission, the Power Plant Research Program, and the Energy Storage Working Group is not interrupted by a new 20-member commission with an overlapping mandate to those existing stakeholder processes.

We look forward to engaging with Senators Hester and Brooks, Delegates Ziegler, Crosby, and Wilson, as well as members of this committee and other stakeholders, on the topic of solar siting with the goal to place Maryland on track to meeting its nation-leading solar targets. Should you have any questions, please do not hesitate to contact me.

Sincerely,

*Leah Meredith*

Leah Meredith  
Senior Manager, Mid-Atlantic Region  
Solar Energy Industries Association (SEIA)  
[lmeredith@seia.org](mailto:lmeredith@seia.org)

# **CHESSA - MD - EEE Testimony SB1082 Fav with Amend**

Uploaded by: Robin Dutta

Position: FWA



7 March 2024

Senator Brian Feldman  
Education, Energy, and the Environment Committee  
2 West  
Miller Senate Office Building  
Annapolis, Maryland 21401

### **Testimony**

### **SB1082: Solar Energy and Energy Storage – Development and State Procurement**

#### **Position: Favorable with Amendment**

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Chair Feldman, Vice Chair Kagan, Members of the Committee, thank you for the opportunity to testify on Senate Bill 1082, Solar Energy and Energy Storage – Development and State Procurement. I am Robin Dutta, the Executive Director of the Chesapeake Solar and Storage Association (CHESSA). Our association has over 100 member companies in the solar and energy storage industries. Many members are Maryland-based. Others are regional and national companies with an interest and/or business footprint in the state. Our purpose is to promote the mainstream adoption of local solar, large-scale solar, and battery storage throughout the electric grid to realize a stable and affordable grid for all consumers.

I am here to provide testimony on SB1082, Solar Energy and Energy Storage – Development and State Procurement. While well intentioned, we believe that this bill should be amended to work better with multiple existing policy work streams among state government, agencies, and stakeholders. Solar siting and battery storage policy work is already occurring in other venues, and we do not believe that there is a need for an additional commission. It is essential that the work of the Public Service Commission, the Power Plant Research Program, and the Energy Storage Working Group is not interrupted by a new 20-member commission with an overlapping mandate to those existing stakeholder processes.

It is imperative that Maryland energy policy promote solar development in the state as quickly as is practicable and reasonable. The PSC's [Renewable Energy Portfolio Standard Report for Calendar Year 2022](#) showed that the state fell far short of meeting the solar carve-out target. Only 55% of the state's 2022 solar target was met, showing that there was not enough deployment of solar capacity across residential, commercial, community solar, and wholesale market solar projects in Maryland. Maryland's nation-leading solar targets will ramp up considerably, and economic realities continue to hamper the needed growth in the state's solar industry.

Solar cost declines are not something that can be assumed year-over-year. While global solar module pricing is currently declining, that is due to Chinese module production that cannot be imported into the United States due to various trade and high tariff barriers. Rising interest rates have increased

financing costs across all sectors, impacting cost of capital from residential loan and lease rates to utility-scale construction loans. In the utility-scale sector in particular, labor and engineering costs have increased nationally by as much as 25%, per the independent research firm Wood Mackenzie<sup>1</sup>. This makes the state of the solar industry complicated, where headlines of growing deployments do not capture the whole story.

Larger, utility-scale solar faces its own headwinds. In that same analysis, Wood Mackenzie shows that those larger solar projects saw 5-6% cost increases year over year. There are also supply chain issues being dealt with, even as broader economic issues from the COVID-19 pandemic have subsided. That makes delays and additional obstacles tied to project siting additional impediments to deploying solar and sometimes challenging the viability of these projects.

Maryland energy policy needs to reflect the urgency to deploy more in-state solar, not only to meet the solar-specific targets but because near-term solar deployments should be a major part of the state's decarbonization actions. That is what makes SB1082 problematic – this commission would interrupt multiple threads where solutions are being worked out. As clean energy needs to be deployed on an ongoing basis, policy improvements need to take effect as quickly as possible. HB1328 would impose further direct costs on groundmount solar through the Conservation and Restoration Fund and effectively place a 2-year delay in the approval of these solar projects.

Large-scale solar development could hit a standstill, including, potentially, projects that are currently in development. Policymakers from across state government would participate and/or wait for this Utility-Scale Solar Design and Siting Advisory Commission to produce recommendations to the Governor, General Assembly, and local governments. There would be no consensus on standards until after this commission finishes its work in two years, to the best ability that a 20-member commission can effectively tackle an issue as sensitive as clean energy siting. If there is consensus, there very well might need to be further legislative action required. And while that happened, it would become more difficult and more expensive for Maryland to tackle electrification, clean energy adoption, and decarbonization across all sectors.

CHESA understands and supports the need to tackle the question of clean energy siting, however that process needs to balance the urgency of deployment with the sensitivities of environmental impact and general stakeholder interests. For that reason, we believe that other pieces of legislation (SB1025 and HB1407) chart better paths forward on the solar siting question, because they place an emphasis on solar deployments while not precluding the necessary stakeholder collaborations from occurring in parallel.

For much of the same reason, CHESA believes that energy storage matters should continue to be handled primarily in the PSC's Energy Storage Working Group. That entity has broad participation from industry, non-profits, and government. Its structure is flexible enough to allow consensus and agreement to more quickly become accepted policy. This siting commission could reset that work by transferring it to a new venue and new process.

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<sup>1</sup> Wood Mackenzie and Solar Energy Industries Association. "US Solar Market Insight, Executive Summary". Q4 2023. Released December 2023. p15

As Marylanders fully electrify their buildings and purchase electric vehicles, they will become more reliant on the electric grid than at any previous point. The grid of the future will have the combined roles that today's grid, natural gas system, and gas stations have. It will need to account for higher statewide electric loads, and greater electric demand in peak periods. As a result, Maryland solar needs to be built on homes, businesses, and on open land. Battery storage siting policies need to be developed as soon as possible, to create predictable rules that help developers build them for the benefit of the Maryland electric grid.

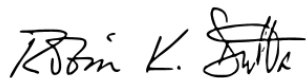
For these reasons, we urge the Economic Matters Committee to amend SB1082 with the following changes:

- Strike the Conservation and Restoration Fund (Page 2, Line 26 through Page 3, Line 7)
- Strike the Utility-Scale Solar Design and Siting Commission (Page 3, Line 8 through Page 6, Line 18) and instead task the Maryland Energy Administration, in conjunction with the Power Plant Research Program and the Public Service Commission, with conducting a study regarding the technical potential for groundmount solar development in each county, to be released no later than December 31, 2024
- Strike the section requiring groundmount solar to develop and submit a vegetation management plan (Page 6, Line 19 through Page 7, Line 10)
- Strike the section regarding energy storage rules (Page 7, Lines 11-21)
- Add language that would prohibit counties from adopting zoning laws or other regulations that restrict or prohibit the construction or operation of energy generating systems or facilities that are Tier 1 renewable sources.

We would like to work with the bill sponsor to solve these policy issues, and appreciate her engagement to-date with our association members.

Thank you, and please reach out with any questions on solar and storage policy. CHESSA is here to be a resource to all committee members.

Sincerely,



Robin K. Dutta  
Executive Director (acting)  
Chesapeake Solar and Storage Association  
[robin@chessa.org](mailto:robin@chessa.org)

# **Support with Amendments of SB1082 Solar Energy and**

Uploaded by: Tyler Hough

Position: FWA



## Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035  
410-922-3426 | [www.mdfarmbureau.com](http://www.mdfarmbureau.com)

**To:** Senate Education, Energy, and the Environment Committee

**From:** Maryland Farm Bureau, Inc.

**RE:** Support with Amendments of SB1082 Solar Energy and Energy Storage - Development and State Procurement

On behalf of the member families of the Maryland Farm Bureau, I submit testimony in support with amendments of SB1082. This bill would authorize a county to enact a local law creating a conservation and restoration fund for a certain purpose and establishing the Utility-Scale Solar Design and Siting Commission in the Power Plant Research Program to provide recommendations related to solar energy development and land conservation and preservation.

Renewable energy in Maryland is a step that the members of the Maryland Farm Bureau understand is coming to reach the Renewable Energy Portfolio Standards of the state. The concern of the members has revolved around the feeling that prime and productive agricultural land has been the primary target for solar development. SB1082 creates a commission that would balance competing goals related to solar energy development and land conservation and preservation. Maryland Farm Bureau is happy to be included as having a seat at the table on this commission. We feel that the opportunity to have these hard solar sitting conversations will be beneficial to shaping the RPS moving forward.

The main concerns for the members of the MDFB come from the wording on page 5, lines 14-17. Being a grassroots organization, the members of the MDFB write the policy that guides our efforts. MDFB currently has policy that states, "We oppose community or commercial solar energy facilities being built on class 1 and 2 agricultural soils." The language on the lines mention speaks to the commission providing recommendations that "The appropriate approach for solar development on prime and productive soils that: does not include specific soil classification prohibitions." We would be happy to have conversations about ways that we could work on this language or have the opportunity for open conversation on the commission regarding this language.

**MDFB Policy:** We oppose community or commercial solar energy facilities being built on class 1 and 2 agricultural soils. We encourage the use of Brownfields as a means of solar generation in lieu of the use of prime and productive farmland.





## Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035  
410-922-3426 | [www.mdfarmbureau.com](http://www.mdfarmbureau.com)

### Maryland Farm Bureau Supports with Amendments SB1082

A handwritten signature in black ink, appearing to read 'Tyler Hough', written over a horizontal line.

Tyler Hough

Director of Government Relations

*Please Contact Tyler Hough at (443) 878-4045 with any questions*

# **Farmland One Pager w Urban Sprawl-MD.pdf**

Uploaded by: Adam Dubitsky

Position: UNF

# Solar Energy

*A preservation tool for Maryland's farmland*



## Solar & Agriculture are compatible.

- Solar energy not only provides a new “cash crop” for farmers but enables opportunities for land to have dual income streams by growing crops under solar panels or grazing livestock on the same land.
- “Agrivoltaics” is the term commonly used for these integrated solar/agriculture practices that serve as a sustainable approach to conserving farmland, supporting farmers, and providing a drought-proof revenue stream thanks to solar leases.
- Solar energy helps preserve and restore farmland, which can be even more productive in the future after years of rest and regeneration.
- Bees and other pollinators are an essential aspect of crop production and are disappearing from our landscape. By installing native flowers and plants beneath ground mounted solar arrays, they become pollinator-friendly places and support critical habitats. Not only will this benefit future crop yield, but it will also prevent erosion and contribute to biodiversity.
- Solar energy projects can help keep family farms in the family for generations to come.

## The real threat to Maryland farmland is suburban sprawl.

- Solar energy projects help preserve and protect farmland by ensuring the land remains agricultural land instead of being paved over permanently for other development.
- The United States has lost more than 11 million acres of farmland to development over the last 20 years, according to the American Farmland Trust. Data shows that agricultural land is increasingly being developed for other uses, which threatens the integrity of local and regional food systems. The loss of farmland to low-density residential development at the edge of urban and suburban areas is a prime culprit in the permanent loss of farmland.

## Solar energy provides economic opportunity.

- 231,000 American's work in the solar industry.
- Solar energy projects are often sited in rural areas that have otherwise seen little job or economic growth. The projects help infuse new revenue into the county that helps pay for critical amenities like first responders, roads and bridges, and schools.
- Land lease payments to landowners help provide American farmers with a revenue stream they can depend on during ever-fluctuating commodity markets.

# **Land and Liberty Coalition of Maryland - Solar - R**

Uploaded by: Adam Dubitsky

Position: UNF

**Contact:**

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# About the Land & Liberty Coalition

- Maryland / Delaware chapter. A 501c3 non-profit project of **Conservatives for Clean Energy** with chapters in 13 states
- Represented by Adam Dubitsky and [Flywheel Government Solutions](#). Our backgrounds: State, regional & federal gov't relations, Political consulting, corporate communications, P3s, coalitions
- Land & Liberty educates and advocates in support of **Utility Scale Solar and Wind projects, Community Solar, and Transmission/Grid upgrades**
  - From initial awareness through project-specific siting and permitting
- Engagement with local officials, grassroots advocacy, media relations, crisis comms, messaging testimony before locals and the PSC
- **Directly** with developers & vendors in support of projects
  - Collaborate with in-house and external PR, lobbying, legal/regulatory teams
- **General** advocacy of supportive political, grassroots, regulatory environment for projects; favorable zoning, permitting



# Why our Focus on Rural Land?

- It's where the land and opportunities are
  - **For farm families that lease:** Stable income for 25-30 yrs
    - No fuel, fertilizer, labor \$ fluctuations, droughts or floods
  - **For farm families that sell:** Fair value for *THEIR* land
  - **For counties and local communities:**
    - More tax revenue than traditional crops w/o the impact of permanent residential/commercial development
    - Solar farms don't have kids, commute to work, take showers, or get arrested. Yet,
    - *They help fund education, roads & sewers, police & fire*



# Rural Audiences Require Conservative / Free Market Perspectives

- We're effective because we engage with conservatives as conservatives while working across party lines where possible
  - We respect that others have different beliefs, messages, and approaches, and value our relationships with progressive environmental groups, and the men and women of organized labor
- Landowner / Farmer Rights
  - Allow farmers to decide what to farm – food, feed, fuel, etc.
- Preserving rural and ag land for the next generation
- Local job creation and economic development
- American energy independence
- Science, facts, and data are more helpful than thoughts & feelings in getting clean energy projects built





# The Problem: MD Solar is Years Behind

- State & Feds set targets, declare victory, go home, repeat
- The PSC estimates Maryland will need about 6,200 MW of solar to meet current 2030 greenhouse gas reduction goals
- But we're on track for just 1,600 MW by the end of 2023
- That means **575 megawatts of new generation per year**
- But just **210 MW per year** is projected (SEIA)
- And we're not likely to meet even those projections



# Why is Renewable Power Reality Unplugged from General Assembly Targets?

- A project started today would take at least 7 years for construction to begin:
- Find and negotiate a cost-effective site to lease or buy that's not too far from an existing power grid "interconnection"
- Submit highly complex interconnection application to PJM, the regional grid operator. Approval can take 2-5 years, however...
  - *Currently, PJM has more megawatts of proposed power generation in their application queue than are being generated in their entire market*
  - *PJM put a pause on new applications and is seeking federal permission for a two-year moratorium on applications while they clear the backlog and fix the system*
- File application for a CPNC w/ Public Service Commission – 3-5 years
  - Requires hearings, sign-off from agencies including MDE, DNR, and even the FAA
- CPNC means construction can begin – 18-36 months until power flows



# Why our Focus on Rural Land?

- Why not just industrial, commercial, brownfields, and rooftops?
  - There's not enough and far too expensive even with incentives
  - Rooftops - Important, but panels on every available structure in the state wouldn't be enough and not everyone wants it
  - Community Solar – Also important but even with the all the above, and placed on every feasible site it alone wouldn't meet current targets and requires far more land to scale



# Impediments

- Counties are looking for ways to get around PSC preeminence as established by case law.
- County commissions, preservation groups opposed
  - Lawsuits can delay for years
- State/county policy bias in “farming” renewables
  - Zoning & Planning allows growing ethanol, restrict “planting” solar
- Renewable Energy Policy at Odds with Ag Preservation Policy
  - Tax & Restrict Schemes such as using MALPF on current projects to fund preventing solar on other ag lands.



# What's in the Way?

- Industry public affairs in-fighting
  - Community and Rooftop pitched as alternative solution to large scale. Again – won't be enough.
- PJM has more in queue than being generated
  - Compounded by two-year pause in new applications to reform interconnection process
- PSC case load, can take years for CPNC orders and that's after the PJM approves the interconnection



# Solar Facts vs. Fiction: *Perspective*

*“But we like seeing corn fields on the way to our summer home.”*

- Urban/Suburban Perspective on Rural Realities
  - Alarming Report<sup>(2)</sup> - **28,200 ACRES OF MD AG LAND MIGHT BE “CONSUMED” BY SOLAR BY 2040!!!**
  - Vs. *“Allowing farmers to use just 1.3 % of Maryland’s 2,000,000 ag acres for solar would help meet GHG goals, benefit local communities, preserve farmland, and restore ecosystems.”*
- **Claim:** Solar will make food insecurity and prices worse
  - Not true. But easy to think if you see new solar farms popping up
- **Claim:** Solar farms hurt neighboring property values
  - No evidence to support this



# Solar Fact vs. Fiction: Ecology

- **Claim:** *Solar farms harm the Bay*
  - False. Solar farms don't need tons of fertilizer, pesticides, or millions of gallons of ground water to operate.
- **Claim:** *Reforestation, regenerative Ag better for climate*
  - Not even close: In **tons of CO2** removed per acre per year  
Reforest: 2.48, Regen: 1.78. Solar: **196** tons of CO2 per yr.



# Solar Fact vs. Fiction: Farmlands

- **Claim:** *Solar Farms destroy farmland*
  - **False.** They allow the soils under the panels to heal, especially when combined with native plant species a/k/a...
- Agrivoltaics – Compared to agricultural use alone, combining solar with native pollinators – has a multiplier effect that also helps nearby farms
  - 65% increase in carbon storage potential
  - 3x increase in pollinator supply
  - 95% reduction in sediment runoff
  - 19% reduction in water runoff
  - Thus – Leaving next generation with more valuable land





# What can be done?

- Work together on education and advocacy
- Different Messages & Priorities – Same Goals
- **Blue and Green Voters** – The work doesn't stop once the GA Session ends. Your energy and support is needed at county level for utility-scale projects.
- **Red Voters** - This isn't Nancy Pelosi's Green New Deal. CEJA, IJA, IRA have outsized benefits for conservative areas. Large scale solar = saving farms, stewardship, income and American Energy Independence.

**Contact:**

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# **Opinion\_ The Pathway to Maryland's clean energy go**

Uploaded by: Adam Dubitsky

Position: UNF

# Opinion: The Pathway to Maryland's clean energy goals runs through county offices

By Guest Commentary | October 27, 2023



Solar panels in a field in Darlington. Photo by Bryan P. Sears.

By Adam Dubitsky

*The writer is state director of the Land & Liberty Coalition of Maryland.*

A recent [Washington Post/University of Maryland poll](#) showed majorities of Republicans and Democrats “wouldn’t mind fields of solar panels and wind turbines being built in their communities.” This aligns with our experience in communities throughout Maryland and that of Land & Liberty Coalition chapters in more than a dozen states. The Post’s article accompanying the survey included an important caveat: The outsized impact of NIMBYism, where a handful of residents convince local officials to block a clean energy project in their backyard, or, as we’ve seen recently in Carroll and Anne Arundel counties, effectively ban them.

Adopting ambitious clean energy laws is the easy part in a deep blue state like Maryland and the hard work doesn’t end with bill signing ceremonies or congratulatory press releases by supporters; it begins there. The effort required to get a renewable power project into the ground and clean electrons into the grid takes place away from State House offices and the Annapolis fundraising circuit. It happens at late-night county planning and zoning hearings; in meetings with local stakeholders; and through taking the time to lay out the benefits of renewable energy while factually and politely addressing concerns and misinformation.

Maryland has among the most ambitious renewable portfolio standards in the nation with a “solar carveout” requiring 14.5% of its electricity to come from the sun by 2030. But due to NIMBYism running amok in blue and red counties alike this goal is now wildly optimistic. An estimated 600 megawatts of additional solar power are needed each year to hit the 2030 target, yet due largely to county restrictions on where projects can go, land lost to commercial and residential development, and years-long regulatory approvals, just over 200 megawatts per year is projected.

Thoroughly debunked claims by anti-solar activists notwithstanding, there are simply not enough viable roof tops, brownfields, reclaimed landfills, or industrial sites to meet solar targets. The only way to come close to meeting the 2030 target is to streamline permitting and allow solar on a larger portion of the state’s two million acres of private agricultural land — far less than 2% of it would more than meet the carveout while providing economic opportunity for landowners and their communities.

Those lobbying for making even more land off limits to solar are often suburban transplants who bought or built homes on what was previously farmland and who now have the audacity to insist that the government restrict what that farm family can do with the rest of their property. This was the case in Carroll County earlier this year where a small number of residents convinced the county commissioners to prohibit new community solar projects on agricultural land. The irony of this shortsighted ban is that farm families planning to lease or sell land for a solar facility may now have no other financial option than to sell to a real estate developer, resulting in a permanent loss of agricultural land.

Solar projects aren’t usually what comes to mind as a hedge against suburban sprawl, but it works. They don’t have kids or commute to work. They don’t flush the toilet or take showers. Nor do they wind up in handcuffs or the back of an ambulance. Yet these quiet temporary glass and steel neighbors provide much needed revenue to fund education, roads and sewers, first responders, and other priorities. And over a typical 25-year project lifespan without pesticides and fertilizer and ground compaction from farm equipment the land has time to heal, yielding more productive and valuable soils than before the panels were planted.

Anti-solar NIMBYism isn’t just a red county phenomenon, progressive Montgomery County is home to many of the state legislators who led the way on clean power legislation. Yet it is harder to build a solar power project in this dark blue county than in any other. And last month in purplish Anne Arundel County, a common-sense solar siting bill introduced at the request of the county executive would have eliminated one of the state’s most blatantly anti-solar regulations, a requirement that all solar facilities in the county be at least ten miles apart. Yet a small group of activists and their allies on the county’s Agriculture Commission who oppose any solar on undeveloped land successfully lobbied to not only keep the arbitrary 10-mile restriction but also tack on new restrictions. Adopted on Sept. 5, a county in which it was always difficult to build ground-mounted solar on private land, it is now all but impossible.

The Land & Liberty Coalition is unapologetically conservative in our advocacy for renewable energy policies that embrace property rights, drive economic opportunity, and safeguard sensitive ecosystems. As even the reddest of states and counties are proving, local wind and solar power projects are delivering affordable electricity, bringing in much-needed revenue, while helping to secure American energy independence.

Here in Maryland, meeting state renewable energy goals is now largely in the hands of county officials. They’ll have to decide whether to side with relative handfuls of vocal and politically connected residents, many of whom seem most interested in protecting their view of what they think a farm should look like. Or they can take the time to review the facts and adopt clean energy zoning regulations which reduce carbon emissions and preserve rural areas for the next generation while honoring property rights and increasing county revenue, things on which most of their constituents can agree.



## Guest Commentary

Maryland Matters welcomes guest commentary submissions at [editor@marylandmatters.org](mailto:editor@marylandmatters.org). We suggest a 750-word limit and reserve the right to edit or reject submissions. We do not accept columns that are endorsements of candidates or submissions from political candidates. Views of writers are their own.

[All posts by Guest Commentary](#)

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# **SB1082 Land and Liberty Coalition - unfavorable.pdf**

Uploaded by: Adam Dubitsky

Position: UNF



March 6, 2024

Senator Brian Feldman  
Chairman  
Education, Energy and the Environment Committee  
Miller Senate Office Building  
Annapolis, Maryland 21401

RE: SB1082 – Unfavorable

Dear Chairman Feldman and Members of the Committee:

The Land & Liberty Coalition of Maryland is a non-partisan, 501c3 non-profit project of the Conservative Energy Network, a national organization committed to fostering commonsense policies that advance renewable energy development, increase economic opportunity in rural areas, and protect private property rights.

SB1082 includes certain positive measures for increasing solar development in Maryland, such as identifying State lands for solar projects, and requiring that utilities disclose technical data which would help identify sites for solar on private lands. However, we believe these positive elements would be more than offset by the bill's potential negative impact on ground-mounted solar development on undeveloped lands, restrictions on the private property rights of rural Marylanders, and our State's ability to meet our renewable energy goals.

For these reasons, detailed below, we respectfully request an unfavorable report on SB1082.

While we commend the sponsors and their staff for addressing the complex issue of solar development and land use, elements of the bill seem predicated on the incorrect notion that Maryland's rural heritage and agricultural areas are threatened by solar development. This is demonstrably false.

Maryland is a national leader in renewable energy *ambitions* as established in the RPS, yet our state is ranked 36<sup>th</sup> or 37<sup>th</sup> for the percentage of our energy that comes from renewables. Despite moving the solar carve-out back from 2028 to 2030, we remain years behind schedule meeting this legal requirement that 14.5% of our energy come from solar. The main obstacle to reaching this critical target is increasingly complex county restrictions and regulations on solar development.

Thoroughly debunked claims notwithstanding, there are simply not enough viable roof tops, brownfields, reclaimed landfills, or industrial sites to meet solar targets. The only way to come close to meeting the 2030 target is to streamline permitting and allow solar on a larger portion of the state's two million acres of private agricultural land – far less than 2% of it would more than meet the carveout while providing economic opportunity for landowners and their communities.

Additional comments:



#### Utility Scale Solar Design & Solar Siting Commission

- 1) There is no need or justification for another solar siting commission. Less than four years ago a State solar / land preservation task force convened by Governor Hogan issued its final report. While we oppose many of the fourteen recommendations in that report, there is little evidence that it had any meaningful impact on either land preservation or solar development in the state.
- 2) As drafted, the composition of this new commission is overwhelmingly tilted toward opponents of solar development and would serve to check the box for solar industry input while likely discounting their positions.
- 3) A state solar siting commission would serve to slow down solar permitting while stakeholders awaited its final report.
- 4) Organizations in favor of a new solar siting commission claim it would help solar developers find locations for projects. This is simply not the case. We are not aware of any solar industry representatives or companies that see value in a new commission.
- 5) Most importantly, such commissions and studies at the county level are a prime tactic of anti-solar activists. Several counties have commissioned – sometimes at taxpayer expense – solar siting studies that erroneously claim that there are sufficient residential and commercial rooftop, brownfield, landfill, and parking canopy locations to meet solar targets. The subtext of these studies is that no private undeveloped land should be used for solar. These reports have been thoroughly debunked before this body and the PSC.

#### Conservation & Restoration Fund

- 1) It makes little sense to raise costs for an industry while at the same time working to incentivize it. We see this as an anti-business measure focused on a single industry that would raise the cost of doing business in an already challenging economic environment. This fund would constitute an additional tax on solar development which would price many developers out of the market.
- 2) This is a ploy to restrict solar such as those in Talbot County and now proposed in Dorchester County.

#### Energy storage elements of the bill

- 1) We believe the existing storage commissions and workgroups should finish their work prior to any additional review of regulation in this new area.

In conclusion, there are already significant restrictions on where solar power cannot be sited and we urge an unfavorable report on SB1082.

Thank you for your consideration.

Sincerely,

Adam Dubitsky  
State Director



# **sb1082test - Solar Energy and Energy Storage – Dev**

Uploaded by: Marcus Jackson

Position: UNF



**Maryland Joint  
Legislative Committee**

*The Voice of Merit Construction*

March 7, 2024

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**TO: EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE**  
**FROM: ASSOCIATED BUILDERS AND CONTRACTORS**  
**RE: S.B. 1082 – SOLAR ENERGY AND ENERGY STORAGE –  
DEPARTMENT AND STATE PROCUREMENT**  
**POSITION: OPPOSE**

Associated Builders and Contractors (ABC) opposes S.B. 1082 - Solar Energy and Energy Storage – Department and State Procurement which is before you today for consideration.

This bill would authorize a county to enact a local law creating a conservation and restoration fund for a certain purpose; establishing the Utility-Scale Solar Design and Siting Commission in the Power Plant Research Program to provide recommendations related to solar energy development and land conservation and preservation; requiring the owner or operator of a certain solar energy generating station to plant and maintain a certain cover crop on certain land and submit a certain vegetation management plan to a certain entity.

ABC has consistently and vigorously opposed government-mandated labor agreements on state and local government infrastructure projects. S.B. 1082 as written proposes to do the following:

- (1) Include a Community Benefit Agreement for a Solar Energy Developer; and
- (2) Be subject to a Project Labor Agreement for a Solar Energy Developer.

The proposed Community Benefit Agreement will needlessly increase costs and steer hundreds of millions of dollars of construction projects funded by taxpayers to well-connected special interests, i.e., construction unions and contractor's signatory to specific construction unions party to a CBA or PLA.

- PLAs generally increase the cost of construction projects 10-20%
- The increase in project costs also makes it difficult for W/MBE owned firms to compete as a general contractor, relegating those companies to sub-contractor status.
- PLAs severely hinder the ability for MBE firms, who are 98% non-union in Maryland, to submit a bid in the so-called competitive procurement process because they must forgo their trained workforce and hire union workers from a union hall.

We appreciate the opportunity to opine on S.B 1082 and urge the committee to remove any language referencing to project labor agreements or community benefit agreements from this bill. We respectfully request an unfavorable report on S.B. 1082 as written.

Marcus Jackson, Director of  
Government Affairs

# **Opposition Letter - SB1082.pdf**

Uploaded by: Timothy Troxell

Position: UNF

Timothy R. Troxell, CEcD  
Senior Advisor, Government Affairs  
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**OPPOSE – Senate Bill 1082**  
**SB1082 – Solar Energy and Energy Storage – Development and State Procurement**  
**Education, Energy, and the Environment Committee**  
**Thursday, March 7, 2024**

Potomac Edison, a subsidiary of FirstEnergy Corp., serves approximately 285,000 customers in all or parts of seven Maryland counties (Allegany, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington). FirstEnergy is dedicated to safety, reliability, and operational excellence. Its ten electric distribution companies form one of the nation's largest investor-owned electric systems, serving customers in Ohio, Pennsylvania, New Jersey, New York, West Virginia, and Maryland.

**Unfavorable**

Potomac Edison / FirstEnergy opposes Senate Bill 1082 – *Solar Energy and Energy Storage – Development and State Procurement*. SB-1082 would establish the Maryland Utility-Scale Solar Design and Siting Commission within the Power Plant Research Program, and require multiple reporting requirements for state agencies and public utilities.

**Potomac Edison / FirstEnergy requests an Unfavorable report on SB-1082 due to grid security concerns and the massive regulatory reporting requirements placed on public utilities.** The company would support the establishment of a Utility-Scale Solar Design and Siting Commission.

Company regulatory and engineering subject matter experts are concerned with the type and amount of information being requested in this legislation. Utilities never disclose Critical Energy Infrastructure Information (CEII), or the location of such equipment, for the purpose of national security, economic security, and public health and safety. This bill creates potential security risks and huge administrative burdens on utilities.

FirstEnergy's Transmission group has determined that none of the electric transmission system information requested in this bill could be provided due to it being CEII -- which is privileged and confidential. In addition, FirstEnergy's Distribution group also determined that none of our 34.5kV sub-transmission circuits could be shown for the same reason.

If a statewide Utility-Scale Solar Design and Siting Commission (Commission) were established, this group could create consistent processes and standards for future solar development. Utilities could augment this effort by including more detailed information (that is not CEII) on their publicly accessible hosting capacity maps. These maps show the approximate amount of aggregate generation that can be added to a circuit, without triggering large utility system improvements. It is critical that utilities remain solely responsible for distribution system planning to maintain the integrity of the grid, but this could help the Commission in their work by providing the output of this ongoing analysis. It should be noted that some forms of data being requested for non-CEII infrastructure (such as generation queue) are already provided by the utilities to the Public Service Commission or the public through various other required reports.

Security of the electric grid crosses multiple jurisdictions, and this bill adds significant risk to the system. Providing facility locations, load levels, and other sensitive data to the public is not safe. **Given the physical and cyber security concerns regarding providing specific location data on grid infrastructure, Potomac Edison / FirstEnergy respectfully requests an Unfavorable report on SB-1082.**

**2024- PHI- SB1082- LOI.pdf**

Uploaded by: Anne Klase

Position: INFO



March 7, 2024

112 West Street  
Annapolis, MD 21401

**Letter of Information: Senate Bill 1082: Solar Energy and Energy Storage - Development and State Procurement**

Potomac Electric Power Company (Pepco) and Delmarva Power & Light Company (Delmarva Power) submit this letter of information on **Senate Bill 1082- Solar Energy and Energy Storage - Development and State Procurement**. This legislation establishes the Utility-Scale Solar Design and Siting Advisory Commission in the Power Plant Research Program to provide recommendations related to solar development. It also requires each electric company to submit comprehensive information specific to safety sensitive critical infrastructure to the Solar Technical Assistance Program (Solar TAP) to assist the program in its analysis of solar energy commitments under the Renewable Energy Portfolio Standard (RPS).

Pepco and Delmarva Power understand that the intent of the legislation is to assist the State in its analysis to better site and deploy solar as part of the 14.5% solar carve out in Maryland's RPS. Under the State's existing Solar TAP program, State and local governments can receive technical assistance with solar siting surveys and conducting preliminary development of solar projects. This information assists government entities in making decisions concerning the location, use (including resiliency options), and budget for solar energy projects. While this is a valuable resource for State and local government entities who do not otherwise have expertise to evaluate the potential of solar siting and development, the requirement that the electric companies share safety sensitive critical infrastructure information with Solar TAP is of concern—specifically the information related to our transmission assets. The siting and development of a solar project is very project specific, and it is ultimately the developer of the project that would work one on one with the electric company to determine the information outlined in this legislation. The work done within the Solar TAP could also be conflicting with outcomes determined by utility technical screens and engineering reviews conducted within interconnection application reviews. Distribution system impacts are highly variable project to project and can also be impacted by other projects in the queue. Pepco and Delmarva Power already provide various mapping tools on our websites to assist with the siting and development of renewable projects that would not compromise any of our safety sensitive critical infrastructure information which should be sufficient for the purposes of this legislation.

Additionally, Pepco and Delmarva Power respectfully ask to be included in the Utility-Scale Solar Design and Siting Advisory Commission as an official member. This would afford Pepco and Delmarva Power with the opportunity to participate, contribute and provide insight into solar development in the State as Pepco and Delmarva Power continue to prepare the grid for the clean energy transition.

Pepco and Delmarva Power are committed to working with the bill sponsors and program directors at Solar TAP to come up with a resolution that provides Solar TAP with information that may be helpful, but does not threaten the security of our critical infrastructure.

Contact:

Anne Klase  
Senior Manager, State Affairs

240-472-6641

[Annek.klase@exeloncorp.com](mailto:Annek.klase@exeloncorp.com)

Katie Lanzarotto  
Manager, State Affairs

410-935-3790

[Kathryn.lanzarotto@exeloncorp.com](mailto:Kathryn.lanzarotto@exeloncorp.com)

**SB1082\_DNR\_LOI\_EEE\_3-7-24.pdf**

Uploaded by: Dylan Behler

Position: INFO





Wes Moore, Governor  
Aruna Miller, Lt. Governor  
Josh Kurtz, Secretary  
David Goshorn, Deputy Secretary

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March 7, 2024

**BILL NUMBER: Senate Bill 1082 – First Reader**

**SHORT TITLE: Solar Energy and Energy Storage – Development and State Procurement**

**DEPARTMENT’S POSITION: LETTER OF INFORMATION**

**EXPLANATION OF DEPARTMENT’S POSITION:**

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The Maryland Department of Natural Resources provides the following information regarding Senate Bill 1082. The Power Plant Research Program (PPRP) would be tasked with the majority of the Department’s impacts including meeting coordination, technical assistance, and leading the development of recommendations on solar siting affecting agriculture and land use. There are also no additional funds provided in the bill for increased PPRP costs, staff, and the increase in PPRP’s consultant’s time.

**BACKGROUND INFORMATION:**

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PPRP coordinates the environmental and socioeconomic statewide generation and transmission CPCNs. As such, PPRP has the expertise and experience to fulfill these complicated tasks with proficiency. In addition, PPRP completed the *Siting and Safety Best Practices for Battery Energy Storage Systems Report* in February 2022, a comprehensive analysis of battery energy systems and safety recommendations. This will set the basis for the required reports in this bill but significant staff and consultant time will still be required. PPRP has staff and energy storage experts as consultants who can provide technical expertise as required but an expert in battery storage will likely be required through our consultants to serve as a subject matter expert.

The Power Plant Research Program at the Department is funded through the Environmental Trust Fund Surcharge on all electricity customers in the State. The current rate of \$.0001500/kWh has been in place for the last 35 years and if PPRP’s workload continues to be increased, the current funding levels from the Environmental Trust Fund will not be able to meet future and current workloads.

**BILL EXPLANATION:**

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This bill would create a fund using payments from solar generating facilities on agricultural lands; establish the Utility-Scale Solar Design and Siting Advisory Commission; procure 200 megawatts of solar energy for the State; and require MEA’s Solar Technical Assistance Program to analyze land suitable for solar. SB1082 significantly impacts DNR by requiring the Department to staff the Utility-Scale Solar Design and Siting Advisory Commission through PPRP. Two reporting deadlines are included: by the end of 2024, recommendations on specific technical aspects of siting solar; and by the end of 2025 recommendations for Best Management Practices and a Model Policy for the development of solar generating stations (>2 MW), as well as decommissioning standards. These are very tight

Contact: Dylan Behler, Director, Legislative and Constituent Services  
dylan.behler@maryland.gov ♦ 410-260-8113 (office) ♦ 443-924-0891 (cell)

deadlines in light of PPRP's current and projected workload. The bill also requires the PSC to convene at least once every 10 years. SB1082 also directly invokes the PPRP to participate with the Commission's Energy Storage Working Group to develop model permitting and fire suppression standards for energy storage devices.

# **BGE\_LOI\_EEE\_Senate Bill 1082- Solar Energy and Ene**

Uploaded by: Dytonia Reed

Position: INFO

Letter of Information  
Education, Energy, and  
Environment  
Budget and Taxation  
3/7/2024

### **Senate Bill 1082- Solar Energy and Energy Storage - Development and State Procurement**

Baltimore Gas and Electric Company (BGE) submits this letter *Senate Bill 1082*. *Senate Bill 1082* requires each electric company to submit on or before July 1, 2025, Critical Energy Infrastructure Information (CEII) and other potentially sensitive information to the Maryland Energy Administration's Solar Technical Assistance Program (Solar TAP) to assist in the siting and development of solar generation. This legislation also establishes a Utility-Scale Solar Design and Siting Advisory Commission to make recommendations related to solar development.

BGE welcomes the opportunity to help the state achieve its energy and decarbonization goals. We provide various mapping tools on our websites to assist with the siting and development of renewable projects that would not endanger any of our safety sensitive critical infrastructure information.

The most concerning element of *Senate Bill 1082* is the requirement, under §9-2016, for utilities to submit CEII and other sensitive information to TAP to develop a database for analyzing the land needed to meet the State's solar commitment goals. More specifically, the legislation requires electric utilities to submit information on:

- The location of each transmission and distribution circuit used by the electric company.
- The number of substation transformers owned by the electric company.
- the kilovolt-ampere rating of each substation transformer owned by the electric company.
- The line equipment for each conductor owned by the electric company.
- The conductor ratings for each conductor owned by the electric company.
- Current and queued generation on circuits and transformers owned by the electric company, to be updated quarterly.

BGE, headquartered in Baltimore, is Maryland's largest gas and electric utility, delivering power to more than 1.3 million electric customers and more than 700,000 natural gas customers in central Maryland. The company's approximately 3,400 employees are committed to the safe and reliable delivery of gas and electricity, as well as enhanced energy management, conservation, environmental stewardship and community assistance. BGE is a subsidiary of Exelon Corporation (NYSE: EXC), the nation's largest energy delivery company.

Charles Washington | Brittany Jones | Guy Andes | Dytonia Reed | 410.269.5281

- the loads of each circuit and substation owned by the electric company, including peak and minimum daytime load.
- The status of construction for new lines and substations owned by the electric company; and
- The average costs to upgrade substations and circuits owned by the electric company.

Although BGE supports the goal to increase the deployment of solar throughout the State, we believe that this legislation would unnecessarily expose Maryland utilities to increased cybersecurity and physical risks especially to our electric infrastructure and critical customers (i.e., airports, military facilities, hospitals, schools, water treatment facilities). There is already a risk of a coordinated attack due to the amount of publicly available information on critical infrastructure. This was evident in the December 2022 plot to attach multiple BGE substations by two domestic violent extremists. In addition, threat actor access to publicly available information, including critical electrical infrastructure information, is of concern, as is the likelihood that the information will be used to enhance their tactics and targeting abilities. *Senate Bill 1082* fails to include information protection provisions, and restrictions for use or protection from Public Information Act requests. It is prudent that BGE and other electric companies be able to control the dissemination of our proprietary data and information to protect our customers, assets, and stakeholders.

The current TAP program provides technical assistance with solar siting surveys and conducting preliminary development of solar projects. This information assists government entities in making decisions concerning the location, use (to include resiliency options), and budgeting of solar energy projects. While this is a valuable resource for State and local government entities who do not otherwise have expertise to evaluate the potential of solar siting and development, the additional safety sensitive critical infrastructure information being asked to be shared by the electric companies with TAP is a concern. The siting and development of a solar project is very project specific, and it is the developer of the project that would work one on one with the electric company to determine the information outlined in this legislation. BGE has concerns that even with providing this information there will be a lack of standardization resulting in limited value or potentially incorrect conclusions. More importantly, the information provided may not fully inform siting studies as the way in which different utilities manage their planning and operational limits varies. For BGE planning standards there are specific transformer capacity requirements needed that would not be captured in the requested data set.

BGE, headquartered in Baltimore, is Maryland's largest gas and electric utility, delivering power to more than 1.3 million electric customers and more than 700,000 natural gas customers in central Maryland. The company's approximately 3,400 employees are committed to the safe and reliable delivery of gas and electricity, as well as enhanced energy management, conservation, environmental stewardship and community assistance. BGE is a subsidiary of Exelon Corporation (NYSE: EXC), the nation's largest energy delivery company.

Charles Washington | Brittany Jones | Guy Andes | Dytonia Reed | 410.269.5281

The legislation, as written, fails to include protections against accidental or deliberate disclosure of the utility infrastructure data provided to the Department. More importantly, there are heightened requirements under specific federal FERC/NERC cybersecurity and homeland security statutes and regulations concerning CEII that utilities comply with that the state and local governments currently are unable to and cannot meet. Therefore, there are fewer safeguards against attacks.

Lastly, this legislation establishes the Utility-Scale Solar Design and Siting Advisory Commission, which BGE would wish to be an official member. This would afford electric companies with the opportunity to participate and provide insight into solar development as we continue to prepare the grid for the clean energy transition.

BGE is concerned that if enacted, *Senate Bill 1082* would jeopardize our ability to protect our system critical information. We will continue working with the sponsor to align efforts to ensure a protective program is in place to continue providing our customer with safe, and reliable energy.

BGE, headquartered in Baltimore, is Maryland's largest gas and electric utility, delivering power to more than 1.3 million electric customers and more than 700,000 natural gas customers in central Maryland. The company's approximately 3,400 employees are committed to the safe and reliable delivery of gas and electricity, as well as enhanced energy management, conservation, environmental stewardship and community assistance. BGE is a subsidiary of Exelon Corporation (NYSE: EXC), the nation's largest energy delivery company.

**Charles Washington | Brittany Jones | Guy Andes | Dytonia Reed | 410.269.5281**

**'24 SB 1082 Solar Energy DGS Position Statement.pdf**

Uploaded by: Ellen Robertson

Position: INFO

**BILL:** Senate Bill 1082 - Solar Energy and Energy Storage - Development and State Procurement  
**COMMITTEE:** Senate Education, Energy and Environment  
**DATE:** March 7, 2024  
**POSITION:** Letter of Information

Upon review of Senate Bill 1082: Solar Energy and Energy Storage - Development and State Procurement, the Maryland Department of General Services (DGS) provides these comments for your consideration.

The bill would require DGS to issue a competitive sealed procurement for solar energy every year for ten years. To manage the procurement DGS would require an additional two staff members, and an additional staff member at the DGS Office of State Procurement to draft and issue the procurement every year and tracking and managing the volumes of solar energy and renewable energy credits (RECs) produced. DGS would need to either hire a vendor who is appropriately licensed or amend our current contracts to include the additional volumes of solar energy. It typically takes about 18 months to complete a procurement, so issuing a procurement every year would require overlapping work on each following year's procurement.

DGS is already issuing a solicitation to purchase all state government's power from offshore wind as directed by the POWER Act. The goal of that legislation is to remove the state from the Renewable Portfolio Standard obligations. If we are to now purchase additional solar energy, it would add to the cost of purchasing power for the state.

As introduced, this bill requires DGS to annually procure "200 megawatts" of solar power to "meet the state's energy needs." It is unclear if this refers to the energy needs of the state as a whole, or just state government operations. Further, the term megawatt refers to the capacity of a generator, not its production.

For additional information, contact Ellen Robertson at [Ellen.Robertson@maryland.gov](mailto:Ellen.Robertson@maryland.gov) or 410-260-2908 or Lisa Nissley at [Lisa.Nissley1@maryland.gov](mailto:Lisa.Nissley1@maryland.gov) or 410-260-2922.



**SB 1082 \_Information\_PSC.pdf**

Uploaded by: Frederick Hoover

Position: INFO

FREDERICK H. HOOVER, JR.  
CHAIR

MICHAEL T. RICHARD  
ANTHONY J. O'DONNELL  
KUMAR P. BARVE  
BONNIE A. SUCHMAN



## PUBLIC SERVICE COMMISSION

March 5, 2024

Chair Brian J. Feldman  
Education, Energy, and the Environment Committee  
2 West Miller Senate Office Building  
Annapolis, Maryland 21401

### RE: **SB 1082 – Information - Solar Energy and Energy Storage - Development and State Procurement**

Dear Chair Feldman and Committee Members:

The Public Service Commission (PSC) is the State agency responsible for issuing a Certificate of Public Convenience and Necessity (CPCN) for any generation station larger than 2 MW of output, including solar projects. As such, the PSC is involved in the final determination of the siting of such projects, with input from various other State agencies, the County in which the project will reside, and the public. SB 1082 provides a framework for further guidance on the siting and decommissioning of these projects. The Public Service Commission (PSC) provides informational comments on SB 1082 for your consideration.

SB 1082 would establish a Utility-Scale Solar Design and Siting Advisory Commission (“Advisory Commission”) within the Power Plant Research Project (PPRP). The PSC would appoint one member to the Advisory Commission to work alongside various other enumerated representatives to provide the Governor and General Assembly recommendations on, among other things, best practices for the siting of solar generation facilities.

Further, SB 1082 would add a new § 4-325 to the State Finance and Procurement Article and require the Department of General Services (DGS) to annually contract for 200 MW of solar energy from 2026 through 2035. The bill would require the PSC to serve as a consultant to the DGS in such solicitation and procurement. The PSC notes that the Maryland Energy Administration and Power Plant Research Program (PPRP) should be included in the consultation with DGS to procure the solar energy. Section 4-325 of this proposed legislation also states that DGS shall procure 200 MW’s of solar energy annually through 2035. This would result in the state procuring a total of 2000 MW of solar energy by 2035 which, for reference, is roughly twice the amount of Net-Metered solar capacity that has been installed in the State from 2008 to 2023.

During the 2023 Legislative session, the Maryland General Assembly passed SB 910, which requires the Public Service Commission (PSC) to establish the Maryland Energy Storage Program and set targets for the cost-effective deployment of new energy storage devices in the State with a goal of achieving at least a cumulative total of 3,000 MW by the end of 2033. The Maryland Energy Program Working Group has been established to develop and implement that program. SB1082 builds on the provisions of SB 910.

SB 1082 would add a new section, §7-216.2, to the Public Utilities Article (PUA) and require the PSC, in consultation with its Energy Storage Working Group, PPRP, and the State Fire Marshal, to develop model permitting and fire suppression standards and requirements for energy storage devices. The PSC notes that its Energy Storage Program Working Group is presently beginning to address these issues. The Working Group has established a Safety and Environmental Subgroup to develop standards that address energy storage safety in Maryland. Several safety concerns that the Subgroup will address include size and technology-specific requirements, risk assessment plans, emergency response protocols, fire and explosion prevention, safe damaged battery removal, decommissioning and disposal plans, potential salvage of batteries and equipment, public engagement and participation, and any additional issues or concerns expressed by stakeholders.

The Public Service Commission appreciates the opportunity to provide informational comments on SB 1082. Please direct any questions you may have to Christina Ochoa, Director of Legislative Affairs, at [christina.ochoa1@maryland.gov](mailto:christina.ochoa1@maryland.gov).

Sincerely,

A handwritten signature in blue ink that reads "Frederick H. Hoover". The signature is written in a cursive style with a large initial 'F'.

Frederick H. Hoover, Chair  
Maryland Public Service Commission

# **SB1082\_LOI\_Solar Energy and Energy Storage - Deve**

Uploaded by: Kevin O'Keeffe

Position: INFO



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8751 Freestate Drive  
Suite 250  
Laurel, MD 20723

March 7, 2024

To: Members of Senate Education, Energy, and the Environment Committee  
Members of Senate Budget and Taxation Committee

From: Independent Electrical Contractors (IEC) Chesapeake

Re: Letter of Information for Senate Bill (SB) 1082 – Solar Energy and Energy Storage -  
Development and State Procurement

Independent Electrical Contractors (IEC) Chesapeake represents more than 200 electrical and low voltage businesses who employ approximately 15, 000 workers in the mid-Atlantic region. In addition, IEC Chesapeake has approximately 1,000 electrical apprentices.

IEC Chesapeake would like to provide the Committees with informational comments opposing the required use of Project Labor Agreements (PLAs) for solar energy developers. The required use of PLAs creates a disadvantage for merit shop contractors in Maryland. More than eighty percent (80%) of construction in Maryland is performed by non-union contractors. It is unwise public policy to put merit shop contractors at a competitive disadvantage on construction projects in Maryland. In addition, the mandated requirement of PLAs may significantly drive up the costs of state projects at time when the state is facing significant budgetary challenges. We respectfully ask that the Committees eliminate the requirements for the use of PLAs.

Thank you for your consideration. If you have any questions, please contact Grant Shmelzer, Executive Director of IEC Chesapeake, at 1-301-621-9545, extension 114 or at [gshmelzer@iec-chesapeake.com](mailto:gshmelzer@iec-chesapeake.com) or Kevin O’Keeffe at 410-382-7844 or at [kevin@kokeeffelaw.com](mailto:kevin@kokeeffelaw.com).

### **About Us**

Independent Electrical Contractors (IEC) Chesapeake represents members throughout Delaware, Maryland, Virginia, West Virginia, and Washington, D.C. Our headquarters are located in Laurel, Maryland. IEC Chesapeake has an extensive apprenticeship program for training electricians. In addition, IEC Chesapeake promotes green economic growth by providing education and working with contractor members, industry partners, government policy makers and inspectors to increase the use of renewable energy.



**SB1082 (HB1328) - LOC.pdf**

Uploaded by: Landon Fahrig

Position: INFO



# Maryland

## Energy Administration

**TO:** Chair Feldman, Vice Chair Kagan, and Members of the Education, Energy, and the Environment Committee

**FROM:** MEA

**SUBJECT:** SB 1082 - Solar Energy and Energy Storage - Development and State Procurement

**DATE:** March 7, 2024

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### **MEA Position: Letter of Concern**

This bill would authorize a county to enact a local law requiring solar developers to pay a reasonable amount into a conservation and restoration fund if solar is developed on agriculturally zoned land. This bill would also establish certain limited requirements related to soil and vegetative management on the site of solar energy generation, while establishing the Utility-Scale Solar Design and Siting Commission in the Power Plant Research Program (PPRP) to provide more comprehensive recommendations to further mitigate conflicts between solar energy development and land conservation. Lastly, the bill would establish new energy procurement requirements for the State.

Maryland is currently falling short of the State goals established in the Renewable Energy Portfolio Standard (RPS), which requires electricity suppliers to provide at least 14.5 percent of their electricity from solar sources by 2030. According to the study recently conducted by the Task Force to Study Solar Incentives, chaired by MEA Director Paul Pinsky, Maryland is approximately 20 percent behind on meeting our solar carveout.

**While MEA is an active participant in ongoing discussions to establish reasonable solar siting standards, this bill, as written, could put Maryland further behind in achieving our RPS goals:**

- The Solar Task Force identified that local regulations – such as setback requirements and soil limitations – are posing unreasonable barriers to the siting of ground mounted solar systems below 2 megawatts, but this bill takes no action to address these smaller systems. Meanwhile, the current State approval process for solar systems above 2 megawatts is already effective for evaluating projects on a case-by-case basis. Through the process of approving a certificate of public convenience and necessity (CPCN) from the Public Service Commission, the State evaluates a project, taking into account the State’s public interests, including renewable energy goals and certain environmental regulations.
- While each system must be evaluated on a case-by-case basis, it would be beneficial to provide solar developers with a set of reasonable voluntary standards that could help expedite approval, reduce cost to developers, and minimize environmental and local objections upfront, when possible. PPRP is currently collecting stakeholder feedback to

establish reasonable standards. If this bill moves forward and a formal commission is established to facilitate the stakeholder feedback process, then it is important to carefully balance the makeup of the Commission. The bill as written risks providing outsized representation to the interests of land conservation over renewable energy. MEA also recommends adding a representative from the Maryland Department of Transportation.

- It is reasonable to authorize counties to create a conservation and restoration fund. However, not all land zoned for agricultural use is used currently for agricultural production, sometimes because the land is not suitable for crops to thrive. MEA suggests the following amendment, p. 3 lines 1-2 “IF THE SOLAR GENERATING STATION IS ON LAND ZONED FOR AGRICULTURAL USE OR SILVICULTURAL USE AGRICULTURALLY ZONED LAND IS BEING PARTIALLY OR TOTALLY TAKEN OUT OF AGRICULTURAL PRODUCTION OR SILVICULTURAL USE.” Otherwise, the required payment toward the conservation and restoration fund could disincentivize solar development on optimal land.

While MEA is working closely with state agencies to identify opportunities for the State to procure solar energy, Section IV of the bill as introduced poses significant feasibility challenges and immense administrative burdens, particularly the requirement to procure 200 megawatts of solar energy per year and the proposal to massively expand the scope of MEA’s Solar Technical Assistance Program. MEA therefore supports the amendment proposed by the sponsor to remove p.7 line 25 through p. 11 line 19.

Our sincere thanks for your consideration of this testimony. For questions or additional information, please contact Evie Schwartz directly ([evie.schwartz@maryland.gov](mailto:evie.schwartz@maryland.gov), 443.537.5538).



# **SB1082 - TSO - Solar Energy and Energy Storage - D**

Uploaded by: Patricia Westervelt

Position: INFO

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March 7, 2024

The Honorable Brian J. Feldman  
Chair, Senate Education, Energy, and the Environment Committee  
2 West, Miller Senate Office Building  
Annapolis Maryland 21401

***RE: Letter of Information – Senate Bill 1082 – Solar Energy and Energy Storage - Development and State Procurement***

Dear Chair Feldman and Committee members:

The Maryland Department of Transportation (MDOT) offers the following information on Senate Bill 1082 for the Committee's consideration.

As drafted, Senate Bill 1082 creates the Utility-Scale Solar Design and Siting Advisory Commission in the Department of Natural Resources (DNR) Power Plant Research Program. The Commission must advise the Governor and General Assembly on numerous items including setback ranges, screening requirements, and balancing competing goals related to solar energy, as well as establish a model policy for the development of solar energy generating stations in each county, methods for local prioritization of solar, and decommissioning standards for solar generating stations. Senate Bill 1082 also establishes requirements for planting and maintaining cover crops for soil generation on the land where the solar station resides. Finally, the bill mandates requirements for the state to procure a certain amount of solar energy each year, establishes a process for selling energy or renewable energy credits, and requires MEA to analyze state land and develop a database to recommend state lands for solar energy development.

MDOT is actively investigating how it may leverage appropriate existing MDOT property to generate solar energy. It should be noted that some MDOT property, such as State Highway Administration right of way, has encumbrances that would prevent it from being utilized as space for solar projects. In some cases, property was purchased with federal funds, which places certain restrictions on how the property may be used and how it may be disposed of. Given the complex nature of the property that MDOT owns and projects that MDOT does, we would request that the sponsor include the Department on the Utility-Scale Solar Design and Siting Advisory Commission.

The Maryland Department of Transportation looks forward to further collaboration with the sponsor and respectfully requests the Committee consider this information during its deliberations of Senate Bill 1082.

Respectfully submitted,

Pilar Helm  
Director of Government Affairs  
Maryland Department of Transportation  
410-865-1090

**SB 1082 - Letter of Information.docx.pdf**

Uploaded by: Rachel Jones

Position: INFO



# Maryland Department of Agriculture

*Office of the Secretary*

**Wes Moore**, Governor

**Aruna Miller**, Lt. Governor

**Kevin M. Atticks**, Secretary

**Steven A. Connelly**, Deputy Secretary

Agriculture | *Maryland's Leading  
Industry*

The Wayne A. Cawley, Jr. Building

50 Harry S Truman Parkway

Annapolis, Maryland 21401

[mda.maryland.gov](http://mda.maryland.gov)

**410.841.5885** Baltimore/Washington

**410.841.5846** Fax

## Maryland Department of Agriculture

### Legislative Comment

**Date: March 7, 2024**

**BILL NUMBER:** SB 1082/HB 1328

**SHORT TITLE:** Solar Energy and Energy Storage - Development and State Procurement

**MDA POSITION:** LETTER OF INFORMATION

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SB 1082 would allow local jurisdictions to create a conservation and restoration fund for the conservation or restoration of agricultural, environmental, or historically sensitive areas. It requires a developer of solar generation stations to pay into the fund if the development occurs on land zoned for agricultural or silvicultural use.

Agriculture is Maryland's #1 commercial industry. As drought and low water tables threaten agricultural production in the west and midwest, future agricultural production and activities in our state must remain viable. Establishing a fund to preserve agricultural land would be beneficial to land preservation. The Maryland Department of Agriculture (MDA) supports the State's renewable energy goals. MDA has worked in conjunction with the Maryland Energy Administration (MEA) in recent months to develop an FAQ list for farmers on solar development. The current FAQ provides background, definitions, and resources for land owning farmers and tenant farmers who may have questions about solar development.

As protection for farmers, under SB 1082 MDA would expand the existing FAQ to a list of considerations and best practices to assist farmers in determining whether or not to lease their agricultural land for solar development. With recent amendments, MDA would also be required to provide resources on:

- Changes in water use associated with the installation and operation of a solar energy generating system;
- Access requirements for installation and operation of a solar generating system:

- Construction impacts associated with installation, including electricity use and site cleanup; and
- How to confirm that a solar energy developer is in compliance with local ordinances.

MDA would continue to coordinate with MEA, the DNR Power Plant Research Program (PPRP), and other energy experts to ensure the accuracy and clarity of those resources.

MDA concurs with MEA that not all land zoned for agricultural use is used currently for agricultural production, sometimes because the land is not suitable for crops to thrive. MDA supports the proposed amendment to specify that the mitigation fund would be paid if agriculturally zoned land is being partially or totally taken out of agricultural production or silvicultural use.

If you have additional questions, please contact Rachel Jones, Director of Government Relations, at [Rachel.Jones2@maryland.gov](mailto:Rachel.Jones2@maryland.gov) or (410) 841-5886.