

# SENATE BILL 771

C5, M3

9lr2616  
CF HB 750

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By: **Senator Edwards**

Introduced and read first time: February 6, 2009

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 27, 2009

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Public Utility Companies~~ Wind Turbines Wind-Powered Electric  
3 Generating Facilities and Solar Generating Systems - Performance  
4 Standards and Decommissioning and Restoration Studies

5 FOR the purpose of requiring the ~~Public Service Commission and the Department of~~  
6 ~~the Environment to develop jointly certain general performance standards for~~  
7 ~~wind-powered electric generating turbines erected in the State; requiring the~~  
8 ~~Commission to adopt certain standards by regulation;~~ Power Plant Research  
9 Program in the Department of Natural Resources to conduct two studies;  
10 requiring the Program to study performance standards for wind-powered  
11 electric generating facilities to make a certain determination on the  
12 development of standards, identify certain types of standards, and indicate the  
13 performance standard for certain types of standards; requiring the Program to  
14 study decommissioning and restoration of wind-powered electric generating  
15 facilities and solar generating systems to identify certain means to ensure  
16 certain adequate funds exist for a certain purpose; requiring the Program to  
17 seek input from certain representatives and other appropriate persons;  
18 requiring the Program to report on certain findings and recommendations to the  
19 Governor and certain committees of the General Assembly in a certain manner  
20 on or before a certain date; and generally relating to studies of general  
21 performance standards for wind-powered electric generating facilities and  
22 decommissioning and restoration ~~for wind turbines erected~~ of wind-powered  
23 electric generating facilities and solar generating systems in the State.

24 ~~By adding to~~

25 ~~Article~~ Public Utility Companies

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~Section 7-213~~  
 2 ~~Annotated Code of Maryland~~  
 3 ~~(2008 Replacement Volume and 2008 Supplement)~~

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

6 ~~Article Public Utility Companies~~

7 ~~7-213.~~

8 ~~(A) THE COMMISSION AND THE DEPARTMENT OF THE ENVIRONMENT~~  
 9 ~~SHALL DEVELOP JOINTLY GENERAL PERFORMANCE STANDARDS FOR~~  
 10 ~~WIND-POWERED ELECTRIC GENERATING TURBINES ERECTED IN THE STATE,~~  
 11 ~~INCLUDING STANDARDS FOR:~~

12 ~~(1) INDIVIDUAL TURBINE ELECTRICITY GENERATING CAPACITY;~~

13 ~~(2) TURBINE TYPE OR MODEL;~~

14 ~~(3) TOWER HEIGHT;~~

15 ~~(4) NUMBER AND SIZE OF BLADES;~~

16 ~~(5) ROTOR DIAMETER;~~

17 ~~(6) NOISE;~~

18 ~~(7) LIGHTING ON AND NEAR TURBINES; AND~~

19 ~~(8) SETBACKS.~~

20 ~~(B) THE COMMISSION SHALL ADOPT THE STANDARDS DEVELOPED~~  
 21 ~~UNDER SUBSECTION (A) OF THIS SECTION BY REGULATION.~~

22 (a) The Power Plant Research Program in the Department of Natural  
 23 Resources shall conduct two studies as provided in this section.

24 (b) (1) The Program shall study the development of general performance  
 25 standards for wind-powered electric generating turbines located in the State.

26 (2) The study shall:

27 (i) determine whether general performance standards should  
 28 be developed on a statewide, regional, or a project-specific basis;

1                   (ii) identify the types of standards that could reasonably be  
2 included in general performance standards, including:

3                   A. individual turbine electricity generating capacity;

4                   B. turbine type or model;

5                   C. tower height;

6                   D. number and size of blades;

7                   E. rotor diameter;

8                   F. noise;

9                   G. lighting on and near turbines; and

10                  H. setbacks; and

11                   (iii) indicate the performance standard, as appropriate, for each  
12 of the standards identified in item (ii) of this paragraph.

13                  (3) In conducting the study, the Program shall:

14                   (i) consider general performance standards developed in other  
15 states;

16                   (ii) seek input, as appropriate, from the Public Service  
17 Commission, the Department of the Environment, the Department of Natural  
18 Resources, the Maryland Energy Administration, the Department of Agriculture,  
19 owners of wind turbines and wind-powered generating facilities, electric companies,  
20 and any other person that the Program considers appropriate; and

21                   (iii) review any resource of information relating to general  
22 performance standards for wind-powered generating facilities, as the Program  
23 considers appropriate.

24                  (c) (1) The Program shall study how to ensure that adequate funds exist  
25 to:

26                   (i) decommission wind-powered electric generating facilities in  
27 the State and solar generating systems located in the State once they cease to operate;  
28 and

29                   (ii) restore the site on which wind-powered electric generating  
30 facilities and solar generating systems operated to its pre-operation condition.

31                  (2) The study shall:

1                   (i) identify the means that could be used to ensure that  
2 adequate funds exist, including:

3                    A. the imposition of a surcharge on a facility or system  
4 based on the output or production capacity of the generating facility or system; and

5                    B. requiring a facility or system to post a bond, hold  
6 funds in an escrow account, or obtain other security; and

7                   (ii) indicate the criteria, as appropriate, that would be used for  
8 the means identified in item (i) of this paragraph.

9                   (3) In conducting the study, the Program shall:

10                   (i) consider how other states ensure adequate decommissioning  
11 and restoration funds for wind-powered electric generating facilities and solar  
12 generating systems;

13                   (ii) seek input, as appropriate, from the Public Service  
14 Commission, the Department of the Environment, the Department of Natural  
15 Resources, the Maryland Energy Administration, the Department of Agriculture,  
16 owners of wind turbines and wind-powered generating facilities, owners of solar  
17 panels and solar generating systems, electric companies, and any other person that  
18 the Program considers appropriate; and

19                   (iii) review any resource of information relating to  
20 decommissioning and restoration of wind-powered electric generating facilities and  
21 solar generating systems, as the Program considers appropriate.

22                   (d) On or before December 31, 2009, the Program shall report its findings  
23 and recommendations on the two studies required under this section to the Governor  
24 and, in accordance with § 2-1246 of the State Government Article, to the Senate  
25 Finance Committee and the House Economic Matters Committee.

26                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 ~~October~~ July 1, 2009.