

SENATE BILL 1158

M1, C5

(7lr3616)

ENROLLED BILL

— Finance/Economic Matters —

Introduced by Senators Middleton and Jennings, Jennings, Astle, Benson, Feldman, Hershey, Klausmeier, Mathias, Reilly, Rosapepe, and Oaks

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 ~~Power Plant Research Program~~ Department of Natural Resources – Solar
3 Generation Facilities – Pollinator-Friendly Designation

4 FOR the purpose of requiring the power plant research program of the Department of
5 Natural Resources to include in its research an evaluation of the pollinator benefits
6 that would occur under a certain standard or plan implemented on the land on which
7 a certain solar generation facility is located; requiring the ~~power plant research~~
8 ~~program~~ Department to designate a certain solar facility as ~~pollinator friendly~~
9 pollinator-friendly under certain circumstances; requiring the Department to adopt
10 a certain scorecard for certain solar generation facilities; providing that a solar
11 generation facility may receive a certain designation only by the Department;
12 prohibiting the owner of a solar generation facility from making certain claims
13 unless the facility has received a certain designation; requiring an owner of a
14 pollinator-friendly solar generation facility to provide appropriate maintenance of

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.

Italics indicate opposite chamber/conference committee amendments.



1 the pollinator vegetation; requiring the owner of a certain solar generation facility
 2 to make certain standards and plans available to ~~certain entities~~; a certain entity;
 3 authorizing the Department to charge an owner of a solar generation facility a
 4 certain fee to cover certain costs; requiring the Department ~~of Natural Resources~~
 5 to adopt certain regulations; making stylistic changes; and generally relating to the
 6 ~~power plant research program~~ designation of solar generation facilities as
 7 pollinator-friendly.

8 BY repealing and reenacting, with amendments,
 9 Article – Natural Resources
 10 Section 3–303
 11 Annotated Code of Maryland
 12 (2012 Replacement Volume and 2016 Supplement)

13 BY adding to
 14 Article – Natural Resources
 15 Section 3–303.1
 16 Annotated Code of Maryland
 17 (2012 Replacement Volume and 2016 Supplement)

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

20 **Article – Natural Resources**

21 3–303.

22 (a) **(1)** The Secretary, in consultation with the Director of the Maryland
 23 Energy Administration and in cooperation with the Secretaries of the Environment,
 24 Agriculture, and Commerce and the Director of Planning and electric company
 25 representatives shall implement a continuing research program for electric power plant
 26 site evaluation and related environmental and land use considerations.

27 **(2) (I)** The Secretary shall seek from additional sources
 28 recommendations for related research to be included in the program.

29 **(II)** The additional sources shall include appropriate federal and
 30 State agencies, electric companies and technical, scientific, or educational institutions or
 31 organizations.

32 **(3) (I)** The Secretary, in consultation with the Director of the Maryland
 33 Energy Administration, shall institute effective procedures for coordinating environmental
 34 research assignments to prevent dissipation of money, time, and effort.

35 **(II)** To this end, the State's electric companies shall be reimbursed
 36 from the Fund for environmental research specifically required to satisfy application and

1 permit requirements for any federal, State, or local regulatory agencies, if the electric
2 company has requested reimbursement in advance and furnishes an outline of the program
3 and its estimated cost so that the Secretary can budget it in advance.

4 (b) The program shall include:

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

10 (2) Research to assist prediction, including but not limited to experimental
11 research, field and laboratory, and the development and provision for physical,
12 mathematical, and biological modeling tools to assist in determining and evaluating the
13 effects of variation of natural waters resulting from electric generating plant operations
14 including changes in temperature, oxygen levels, salinity, biocides, radionuclides, and
15 "heavy" metals. This research also includes collection and organization of relevant
16 information and data necessary to operate physical, mathematical, and biological modeling
17 tools;

18 (3) Provisions for monitoring operations of electric power facilities located
19 in the State. These provisions include but are not limited to a determination of actual
20 distribution and effect of temperature, salinity, oxygen, radionuclides, "heavy" metals, and
21 biological effects; radiological; "heavy" metals and biocide effects; recreational and
22 commercial fishing gains and losses; and human health and welfare effects;

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

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

32 (6) **[Evaluation] AN EVALUATION** of the environmental effects of new
33 electric power generation technologies and extraordinary systems related to power plants
34 designed to minimize environmental effects;

35 (7) Determining the potential for constructive uses of waste energy to be
36 released at proposed electric plant sites; **[and]**

1 (8) Analysis of the socioeconomic impact of electric power generation
2 facilities on the land uses of the State; AND

3 (9) AN EVALUATION OF THE POLLINATOR BENEFITS THAT WOULD
4 OCCUR UNDER A POLLINATOR-FRIENDLY VEGETATION MANAGEMENT STANDARD
5 OR POLLINATOR HABITAT PLAN IMPLEMENTED ON ~~THE LAND ON~~:

6 (I) ON WHICH A PROPOSED OR AN EXISTING
7 GROUND-MOUNTED SOLAR GENERATION FACILITY IS LOCATED; AND

8 (II) THAT DOES NOT INCLUDE LAND THAT IS ADJACENT TO THE
9 LAND ON WHICH THE SOLAR GENERATION FACILITY IS LOCATED.

10 3-303.1.

11 (A) ~~THE POWER PLANT RESEARCH PROGRAM~~ DEPARTMENT, IN
12 CONSULTATION WITH THE DEPARTMENT OF AGRICULTURE, SHALL DESIGNATE A
13 SOLAR GENERATION FACILITY AS ~~POLLINATOR-FRIENDLY~~ POLLINATOR-FRIENDLY
14 IF THE SOLAR GENERATION FACILITY MEETS THE REQUIREMENTS OF THIS SECTION.

15 (B) THE DEPARTMENT SHALL ADOPT A SOLAR SITE POLLINATOR HABITAT
16 PLANNING AND ASSESSMENT SCORECARD THAT:

17 (1) HAS BEEN RECOMMENDED BY THE UNIVERSITY OF MARYLAND
18 BEE LAB;

19 (2) MAY BE UPDATED OR AMENDED ONLY ONCE EVERY 2 YEARS; AND

20 (3) APPLIES ONLY TO SOLAR GENERATION FACILITIES.

21 (C) (1) A SOLAR GENERATION FACILITY MAY BE DESIGNATED AS
22 POLLINATOR-FRIENDLY ONLY BY THE DEPARTMENT.

23 (2) A SOLAR GENERATION FACILITY MAY BE DESIGNATED BY THE
24 ~~POWER PLANT RESEARCH PROGRAM~~ DEPARTMENT AS ~~POLLINATOR-FRIENDLY~~
25 POLLINATOR-FRIENDLY IF:

26 ~~(1)~~ (I) THE SOLAR GENERATION FACILITY IS:

27 ~~(1)~~ 1. GROUND-MOUNTED IS GROUND-MOUNTED; AND

28 ~~(2)~~ 2. AT IS AT LEAST 1 ACRE IN SIZE; AND

1 3. MEETS OR EXCEEDS THE MINIMUM SCORE
 2 IDENTIFIED IN THE SOLAR SITE POLLINATOR HABITAT PLANNING AND
 3 ASSESSMENT SCORECARD; AND

4 ~~(2)~~ (II) THE LAND THAT ON WHICH THE SOLAR GENERATION
 5 FACILITY IS LOCATED ~~ON~~ IS PLANTED AND MANAGED IN ACCORDANCE WITH A
 6 POLLINATOR-FRIENDLY VEGETATION MANAGEMENT STANDARD OR POLLINATOR
 7 HABITAT PLAN ~~APPROVED~~ EVALUATED UNDER § 3-303(B)(9) OF THIS SUBTITLE BY
 8 THE POWER PLANT RESEARCH PROGRAM.

9 ~~(C)~~ (D) THE OWNER OF A SOLAR GENERATION FACILITY MAY NOT CLAIM
 10 THAT THE FACILITY IS ~~POLLINATOR-FRIENDLY~~ POLLINATOR-FRIENDLY OR THAT
 11 THE FACILITY PROVIDES BENEFITS TO POLLINATORS, SONG BIRDS, OR GAME BIRDS
 12 UNLESS THE FACILITY HAS BEEN DESIGNATED AS POLLINATOR-FRIENDLY BY THE
 13 ~~POWER PLANT RESEARCH PROGRAM~~ DEPARTMENT IN ACCORDANCE WITH THIS
 14 SECTION.

15 ~~(D)~~ (E) THE OWNER OF A POLLINATOR-FRIENDLY SOLAR GENERATION
 16 FACILITY SHALL PROVIDE APPROPRIATE MAINTENANCE OF THE POLLINATOR
 17 VEGETATION.

18 ~~(D)~~ ~~(E)~~ (F) THE OWNER OF A POLLINATOR-FRIENDLY SOLAR GENERATION
 19 FACILITY SHALL MAKE THE FACILITY'S POLLINATOR-FRIENDLY VEGETATION
 20 MANAGEMENT STANDARD OR POLLINATOR HABITAT PLAN EVALUATED UNDER §
 21 3-303(B)(9) OF THIS SUBTITLE BY THE POWER PLANT RESEARCH PROGRAM
 22 AVAILABLE TO:

23 ~~(1)~~ THE DEPARTMENT; AND

24 ~~(2)~~ THE THE MARYLAND, DC, AND VIRGINIA SOLAR ENERGY
 25 INDUSTRIES ASSOCIATION OR OTHER NONPROFIT SOLAR INDUSTRY TRADE
 26 ASSOCIATIONS.

27 ~~(E)~~ ~~(F)~~ (G) NOTHING IN THIS SECTION RESTRICTS ANY FARMING PRACTICES
 28 ON ANY LAND ADJACENT TO THE LAND ON WHICH A SOLAR GENERATION FACILITY
 29 IS LOCATED.

30 ~~(G)~~ (H) THE DEPARTMENT MAY CHARGE THE OWNER OF A SOLAR
 31 GENERATION FACILITY A REASONABLE FEE TO COVER COSTS ASSOCIATED WITH
 32 DESIGNATING THE SOLAR GENERATION FACILITY AS POLLINATOR-FRIENDLY.

33 ~~(H)~~ (I) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT
 34 THIS SECTION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
2 1, 2017.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.